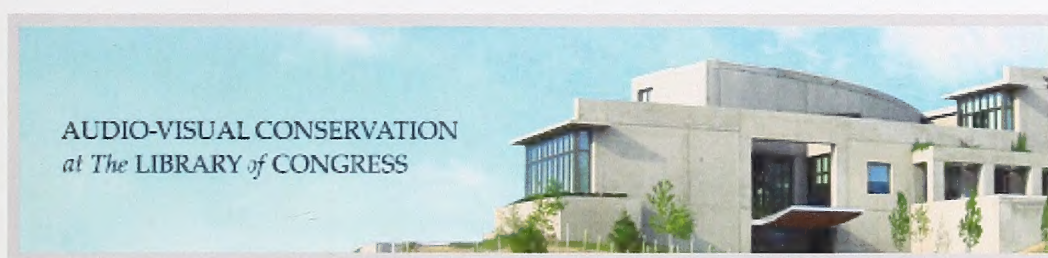




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International in Scope
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THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 1

NEW YORK, MONDAY, JULY 3, 1939

TEN CENTS

Copy 3
JUL 3 1939

Foreign Situation, Tele, Relief Before MPPDA Board DISTRIBS. CONTEND CODE HAS NOT BEEN CHANGED Court Okays Choice of Patterson as RKO Board Head

No Biz Here?

... look over Broadway

By CHESTER B. BAHN

THOSE gents hereabouts who, with index finger pointed at the Broadway scene, have been grouching and wailing that it just is no use—that what with the World's Fair, baseball, the weather, etc., etc., etc., the cash customers can't be interested in pix, are invited this Monday morning to reflect upon—

The fact that "Goodbye, Mr. Chips" (Metro) continues merrily on its way at the Astor, with recent weeks showing progressive gains in "take." (And the pix is reported clicking as well in those situations throughout the country where it has opened.)

The fact that "Bachelor Mother" (RKO Radio) started with a bang at Radio City Music Hall, outgrossing every RKO Radio pix opening date there in the last three years.

THE fact that "Daughters Courageous" (Warners), aided by Sammy Kaye's ork on the stage, has given the New York Strand its top week's gross of the last six months and probably the best Summer biz the house has enjoyed.

The fact that "Man About Town" (Paramount), with an assist credited to Gene Krupa and band on the stage, plus opening day cast member p.a.'s should approach the theater's first week attendance record.

The fact that "Second Fiddle" (20th Century-Fox), plus stage show, crashed through at the Roxy on Friday, and looks set for a run.

The fact that Eddie Cantor, opening in person at Loew's State, broke the house record for a week-day gross; the screen attraction, to make the record complete, happens to be "It's a Wonderful World" (Metro).

ALL of which, this columnar commentator submits, establishes anew that the business is there to be gotten and that the right attraction will get it for the showman endowed with initiative and imagination.

And, incidentally, that's why this commentator is inclined to disagree sharply with the New York Daily News editorial writer

(Continued on Page 2)

Appointment is "Equitable," Bondy Finds; Old Board Cut to Four

Appointment of Richard C. Patterson, Jr., as chairman of the board of directors of RKO, was approved on Friday in a short opinion handed down by Federal Judge William Bondy.

Judge Bondy stated "The Court is satisfied that the qualifications and affiliations of Richard C. Patterson, who has been proposed as a director of the debtor

(Continued on Page 4)



R. C. PATTERSON, JR.

HEAR ESSANESS EXEC. IN CONTEMPT ACTION

Chicago—Edwin Silverman, Essaness executive, testified Friday in

(Continued on Page 6)

Particulars Bill Ordered in Kuhn's "Nazi Spy" Suit

Federal Judge Edward A. Conger, in granting an application of Warners for a bill of particulars in the

(Continued on Page 4)

Overseas Situation, Television and Industry Relief Before Hays Board

Dual Des Moines Opening Launches RKO's "Career"

Des Moines—RKO Radio launched "Career" with a dual world premiere at the Paramount and Orpheum here

(Continued on Page 7)

THE WEEK IN REVIEW

Majors Answer Gov't

By GEORGE H. MORRIS

DOMESTIC

EQUITY ACTION: Six majors, subsidiaries, and associated individual defendants, as well as National Theaters, K-A-O, and Chase National Bank, filed sweeping denials in Federal Court on Thursday of Government's multi-allegations of violation of Sherman Act, of having conspired to monopolize, and having committed unlawful acts in pursuit of trade. Replies of the six majors, and other defendants, excepting Columbia and UA which were not required to make their answers at this time pending action of the Court on their motions requesting further par-

(Continued on Page 7)

EDUCATIONAL FILM INSTITUTE AT N. Y. U.

Chancellor Harry Woodburn Chase announced at the week-end the establishment of the Educational Film Institute of New York University for the purpose of producing, distributing, and evaluating motion pictures in the field of education.

The Institute, which will begin its activities on July 1, will be enabled to carry on its first year's activities

(Continued on Page 6)

Allied Charges Draft Differs from Agreement Denied By Rodgers

The proposed fair trade practice code "covers, not substantially, but wholly, every single item discussed and agreed upon with the Allied committee," the distributors contend in a statement issued over the week-end by W. F. Rodgers, spokesman. The statement was prepared in answer to Allied's charges that the submitted code was not the same as the one formerly agreed upon in previous negotiations. It also was the first formal declaration of the distributors' stand on the code since it was rejected by Allied at its an-

(Continued on Page 8)

CENTURY CIRCUIT STOPS GIVEAWAYS

First circuit in the Metropolitan area to seize upon the decision last week in the Atlantic Theater case as an opportunity for elimination of giveaways is the Century Circuit, which stopped all giveaways in the 19 theaters it operates in

(Continued on Page 8)

Williams Coming to New York To Settle Equity Trial Date

Assistant Attorney-General Paul Williams is coming to New York on Wednesday from Washington to take up question of fixing a trial date in the current equity action of the Government against the majors.

He will confer here with Federal

(Continued on Page 8)

Federal Theater Project Dies at Congress' Hands

Washington Bureau of THE FILM DAILY
Washington—The Federal Theater Project is dead, and its affairs will be wound up within the month. The Senate and House conferees agreed on Friday to insert the House clause banning the FTP in the compromise

(Continued on Page 7)

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET (QUOTATIONS AS OF FRIDAY)

	High	Low	Close	Net Chg.
Am. Seat	113 3/4	113 3/4	113 3/4	+ 1/4
Col. Picts. vtc. (2 1/2%)	83 3/4	83 3/4	83 3/4	+ 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	
Con. Fm. Ind. pfd.	9 3/8	9	9	- 1/2
East. Kodak	159	157	159	- 1/4
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	41 1/8	40 3/8	40 7/8	- 1/8
do pfd.				
Paramount	8 1/8	7 7/8	8	
Paramount 1st pfd.				
Paramount 2nd pfd.	9	9	9	+ 1/8
Pathe Film	9	8 5/8	8 3/4	+ 1/4
RKO	15 1/2	15 1/2	15 1/2	
20th Cent.-Fox	18 3/8	18 1/8	18 1/4	
20th Cent.-Fox pfd.	30	30	30	
Univ. Pict. pfd.	62	61	62	+ 1
Warner Bros.	4 1/4	4 1/8	4 1/8	- 1/8
do pfd.	46 1/8	46	46 1/8	- 2/8

NEW YORK BOND MARKET				
Keith B. F. ref. 6s 46	99 3/4	99 3/4	99 3/4	
Loew's deb. 3 1/2s 46	102 1/2	102	102	- 1/2
Par. B'way 35s				
Par. Picts. 6s 55	101	101	101	+ 7/8
Par. Picts. cv. 3 1/4s 47				
RKO 6s 41	67 1/4	67 1/4	67 1/4	
Warner Bros. cv. 6s 39				
Warner Bros. db. 6s 48	89	88	88	- 1

NEW YORK CURB MARKET				
Monogram Picts.	1 1/2	1 1/2	1 1/2	- 1/8
Sonotone Corp.	1 3/8	1 3/8	1 3/8	
Technicolor	15 1/8	14 7/8	15	
TransLux	1 3/8	1 3/8	1 3/8	- 1/8
Universal Corp. vtc.	3 5/8	3 5/8	3 5/8	+ 1/8
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES				
	Bid	Asked		
Pathe Film M pfd.	100	103		
Fox Thea. Office Bldg. 1st '46	3 1/2	5		
Loew's Thea. Realty 6s 1st '47	99 1/4	101 1/4		
Met. Playhouse, Inc. 2nd deb. '45	69	71		
Roxy Thea. Bldg. 4s 1st '57	65 7/8	67 7/8		

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SECURITY

The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—8th week	Astor
Daughters Courageous (Warner Bros. Pictures)—2nd week	Strand
Stronger Than Desire (Metro-Goldwyn-Mayer)	Capitol
Man About Town (Paramount Pictures)	Paramount
Bachelor Mother (RKO Radio Pictures)	Music Hall
Second Fiddle (20th Century-Fox)	Roxy
Grand Jury Secrets (Paramount Pictures)	Criterion
The Girl and the Gambler (RKO Radio Pictures)	Rialto
Hell's Kitchen (Warner Bros. Pictures)	Globe
Second Bureau (Film Alliance)	Central
Young Mr. Lincoln (20th Century-Fox) (a-b)	Palace
They Asked for It (Universal Pictures) (a)	Palace

FOREIGN LANGUAGE FEATURES

Lenin in 1918 (Amkino)—2nd week	Cameo
Alexander Nevsky (Amkino)—4th week (b)	World

FUTURE OPENINGS

Five Came Back (RKO Radio Pictures)—July 4	Rialto
On Borrowed Time (Metro-Goldwyn-Mayer)—July 6	Capitol
Mickey, the Kid (Republic Pictures)—July 6	Criterion
The Indianapolis Speedway (Warner Bros. Pictures)—July 14	Strand
They Shall Have Music (United Artists-Goldwyn)—July 26	Rivoli
Magnificent Fraud, The (Paramount Pictures) (c)	Paramount
The Man in the Iron Mask (United Artists-Small) (c)	Music Hall
Juarez (Warner Bros. Pictures)—July 4 (a-b)	Palace
The Zero Hour (Republic Pictures)—July 4 (a)	Palace

(a) Dual bill. (b) Subsequent run. (c) Follows current bill.

No Biz Here?

... look over Broadway

(Continued from Page 1)

who fears that both the movies and baseball are on the way out because "mass production is standardizing them, and our guess is that the public will tire of them sooner or later." Re-scan the list of pix mentioned above; there's no standardization there—unless you refer to ability to entertain. As for mass production, its evils—and costs—have been too obvious when attempted in this industry to ever permit it to enjoy full rein.

President Signs Measure Continuing Admission Tax

Washington Bureau of THE FILM DAILY
Washington—President Roosevelt's signing of the "business appease-ment" tax bill at the week-end, continues in force the Government's 10 per cent admission levy which would have expired at midnight Saturday.

Flat 18 per cent corporation tax on corporations earning more than \$25,000 a year replaces the undistributed profits tax.

Small Drops Two, Adds One for 1939-40 Season

West Coast Bureau of THE FILM DAILY
Hollywood—Revising his production schedule, Edward Small will make six rather than seven pix for UA release next season. Dropped are "Quantrill, the Raider" and "Food of the Gods," while added is "The House of Monte Cristo," sequel to "The Count of Monte Cristo" which Small made several seasons back.

TMAT, Five Boro to Meet

The TMAT union meets Wednesday with heads of the Five Boro circuit to discuss terms of a contract.

RKO's Foreign Delegates Start Homeward Journeys

RKO's foreign representatives who attended the company's international convention in New York last month have started their homeward journeys. First to return was Fred Gulbransen who flew to his Panama headquarters, via Miami, on Thursday. Leon Britton, general manager for the Far East, left over the week-end for Los Angeles and will sail from Vancouver on July 8.

Ralph Hanbury, managing director for the United Kingdom, is en route to England on the Mauretania, while Bruno Cheli, general manager for Brazil, sailed Friday for Rio de Janeiro.

Discontinue Movie Quiz Suit Without Payments

Suit for \$500,000 and an injunction brought by Milton Spitz against the eight majors, Motion Pictures Greatest Year, Inc., Monogram Pictures, Moredall Realty Corp., and Bobby Dick, Inc., was discontinued on Friday in Federal Court. A stipulation of discontinuance expressly provided that no payments were made in settlement of the suit.

Plaintiff had claimed that a contest called, "U-Spot-It," copyrighted by him had been used in creating the scheme of the Movie Quiz.

52, Producers to Meet

Meeting of Local 52, studio mechanics, negotiating committee and producers representatives will be held Thursday to discuss terms of a new contract. It is expected that an agreement will be reached at this meeting which will be ratified by the union's membership.

To Demolish Hippodrome

New York Hippodrome will be demolished, starting Sept. 1, to give way to stores.

COMING AND GOING

WILL H. HAYS leaves New York tonight for San Francisco and will then continue to Hollywood for a stay of several weeks.

BARNEY BALABAN, Paramount prexy, left the home office for a brief vacation.

HERMAN WOBBER, general manager of distribution for 20th-Fox, returns to the home office Wednesday after a month's stay on the Coast.

WALTER J. HUTCHINSON, director of foreign distribution, for 20th-Fox, arrives here Wednesday on the Northern Prince after a European and South American trip.

CAPTAIN PATRICK SMITH and RAY SCOTT, RKO Pathe News cameramen, have left the Coast for the Orient to cover the Sino-Jap hostilities.

A. T. HULL, RKO Pathe News Far Eastern cameraman, has returned to the United States for a vacation after a three-year stretch of duty.

BEN KALMENSON, Warners' Western and Southern sales manager, returns to the home office today after a five-week trip that took him to the Coast.

RALPH HANBURY, managing director for RKO in the United Kingdom, is en route back to England on the Mauretania.

FRED S. GULBRANSEN, RKO manager in Panama and other Central American countries, has returned to his post after attending the RKO convention.

LEON BRITTON, general manager for RKO in the Far East, has left New York for the Coast, sailing for the Orient July 8 from Vancouver on the S.S. Empress.

BRUNO CHELI, RKO general manager in Brazil, sailed for Rio de Janeiro over the week-end on the S.S. Brazil.

JOHN RILEY, WE's chief engineer in London, sailed for England on the Mauretania over the week-end.

EDDIE ("Rochester") ANDERSON has returned to the Coast after attending premiere of "Man About Town" at the Paramount.

MARTY WEISER of WB's h.o. exploitation staff is now in Hollywood, having been transferred there to assist Ned Holmes in exploiting firm's pix for indie exhibs.

Exhibs. visiting the RKO Lounge and hotels at which they are stopping included at the week-end: C. H. STUART of Waco, Tex., at the Clinton; MARC J. WOLF and A. R. HOCHER of Indianapolis at the Astor; G. MURDOCK and V. A. VOEBEL of Houston at the Taft; M. CONNOR of Chicago at the Pennsylvania, and MRS. ANITA N. DIAMOS and daughter of Tucson at the Edison.

MR. and MRS. C. H. STEWART, of the Waco Theater, Waco, Tex., visited the Paramount World Fair hostess Friday.

MADGE EVANS arrives in New York today from Hollywood.

GILBERT MILLER flew to the Coast yesterday. DWIGHT DEERE WIMAN sailed for Bermuda Saturday.

HERBERT STOTHART leaves the Coast today for New York.

VYVYON DONNER sailed Saturday on the Champlain for Paris and London.

THE THEATRE

"Roars of Pleasure"—Atkinson, Times.

WHAT A LIFE

with EZRA STONE as Henry Aldrich

MANSFIELD, W. 47th St. Mats. Wed.

and Sat.

Circle 6-0640

"A MUST, GO ENJOY IT"—Walter Winchell

I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN

and JACK WHITE

Air-Conditioned.

VANDERBILT, West 48th Street

Evs. 8:40. Mat. Wed and Sat.

Now...PARAMOUNT
gives you a grand
and glorious 4TH!

1st BIG HIT of the spring-summer season
... Paramount's comedy smash "MIDNIGHT".

2nd BIG HIT... the record-breaking, out-
door - adventure - romance "UNION PACIFIC".

3rd BIG HIT... "INVITATION TO HAPPINESS"
running up big grosses everywhere!

and now that grand and glorious
4th SMASH HIT
in a row from Paramount

"MAN ABOUT TOWN" which starts
out by giving N. Y. Paramount biggest weekday
opening business in 9 months... which gets such
reviews from New York's hardboiled critics as
"Excellent", N. Y. Post; "Tops in comedy",
N. Y. Herald Tribune; "Hilarious", N. Y. Daily News;
"Best Jack Benny film to date", N. Y. Daily Mirror.



Wave that flag boys, it's a PARAMOUNT year!

PATTERSON IS OKAYED AS RKO BOARD HEAD

(Continued from Page 1)

upon the consummation of the plan of reorganization of the debtor in place of Floyd Odum, have been fully disclosed, and that his appointment to such office is equitable, compatible with the interest of the creditors and stockholders and consistent with public policy."

Patterson recently resigned as Assistant Secretary of Commerce. He is a former Commissioner of Correction of New York City, and a former executive vice-president and director of NBC.

In addition to Patterson, the new RKO board, as and when the way is cleared for it to function, will comprise Ned E. Depinet, Thomas P. Durell, Raymond Bill, Frederick L. Ehrman, L. Lawrence Green, James G. Harbord, Conde Nast, John E. Parsons, N. Peter Rathvon, George J. Schaefer, W. G. Van Schmus and Lunsford P. Yandell.

The present and old board of RKO Corp. has been reduced to only four members, from its original 10 as elected. Irving Trust Co., as trustee for RKO Corp., in response to Government's petition in current equity action against the majors, disclosed that the resignation from the RKO Corp. board of David Sarnoff, as a director, took place on May 5, last, as did that of Cornelius N. Bliss. Edward W. Harden resigned the following day, and De Witt Millhauser on May 8. Maurice Goodman died last March, and Frederick Strauss in August, 1937.

Currently, therefore, only George N. Armsby, James G. Harbord, Leo Spitz and Lunsford P. Yandell remain on the RKO Corp. board, of which there is no chairman. Harbord and Yandell are only present directors who will serve on the new board.

Pushing Students Tickets

Chicago—Great States circuit has sold several thousand student ticket books in its key cities. Students save about 30 per cent.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 3

Leon Errol Wynne Gibson
Luther Reid Florence Miles

JULY 4

Louis B. Mayer Gloria Stuart
George M. Cohan Irving Caesar
Henry Armetta Joe C. Hornstein
Gertrude Lawrence Ed Savin
Mary Patricia Alicoate Harvey Thew
Vince Barnett Mrs. Thomas Meighan
Barbara Weeks Joseph Ruttenberg

ALONG THE



WITH PHIL M. DALY

● ● ● CLEVER promotional piece put out by United Artists publicity dep't. designed to give the theater man an interest in the casting of the forthcoming Edward Small production, "My Son, My Son!" a best-seller in the book stores throughout our fair land so Mister Small invites exhibs. of high and low degree to place a ballot-box in their lobbies so their patrons can vote for their choice of players for the principal roles in addition, copies of the book have been sent to all motion picture editors in the key cities throughout the country, and they have been asked to send in suggested casts

● ● ● BIG send-off for Warners' short "Sons of Liberty" with special showings arranged in such key cities as Chicago, Boston, New Orleans, Atlanta, Los Angeles, Memphis, Philadelphia there were special broadcasts, patriotic banquets attended by civic leaders, statesmen, army men, and previews attended by Legion outfits, D.A.R., etc.

● ● ● LOCAL pressagent of Dallas pulls a nifty as recorded by Eddie Barr in his kolyum in the Dispatch-Journal as follows "The other day we went over to the Delaware barber shop, told John Leggio we wanted a haircut, a shave and no conversation But John couldn't resist He wanted us to know that he had seen a preview showing of 'Young Mr. Lincoln' which opens at the Majestic Theater Saturday We said that was fine and went to sleep Well, on a trek down the street half a dozen barbers stopped us in front of their shops and said they were waiting anxiously the reviews of 'Young Mr. Lincoln' Our curiosity aroused, we visited a few more barber shops on the pretext of seeing how the boys were getting along, not, of course, that we aren't always anxious about the health and happiness of the gentlemen of the clippers and razors Well, in every shop we heard the boys behind the chairs gossiping like mad with the customers about 'Young Mr. Lincoln' It was phenomenal, even though we've long been aware of a barber's love of conversation We started an investigation and then came the light Fred McFadden, Majestic Theater publicist, had invited the boys over for a preview Every guy in Dallas who gets a shave or haircut this week will know more about 'Young Mr. Lincoln' than Henry Fonda himself" (Editor's Note: Please note that kolyumist Barr mentions "Young Mr. Lincoln" FOUR times in his story. Fred McFadden should have given him a private preview for that.)

● ● ● THAT parade for Eddie Cantor down Broadway last Thursday morn had an added attraction the parade was a ballyhoo for Eddie's personal appearance starting at Loew's State there were banners, bands, ushers in gorgeous uniforms then came Eddie seated in an open limousine, taking bows from his public cheering on the sidewalks directly behind Eddie's car came one of those big shiny Sanitation Dep't garbage trucks, with the driver leaning forward, yelling: "Attaboy, Eddie!" Eddie gave one look behind, and this time he didn't have to fix his eyes to make 'em pop . . . ● The host of friends of Morris Kinzler and the missus are congratulating them on the arrival of a baby girl at Polyclinic Hospital Thursday morn

ORDERS PARTICULARS BILL IN KUHN'S SUIT

(Continued from Page 1)

\$5,000,000 libel suit of Fritz Kuhn and the German-American Bund, expressed the opinion that the case as an important one and as a public matter "must go to trial soon."

He further stated that "the American people are entitled to know the answer," and that the plaintiffs should be willing to give a bill of particulars if they did not wish to conceal anything.

These statements were made to plaintiff's attorney on argument of the application.

Suit claims libel in Warners' picture, "Confessions Of a Nazi Spy."

Sues WB for \$75,000; Says "Nazi Spy" Defamed Her

Libel suit for \$75,000 was filed against Warners, in U. S. District Court on Friday by Katherine Moog, in which she claims that the picture, "Confessions of a Nazi Spy," and its advertisements defamed her character.

Plaintiff alleges that Warners, without her consent, used her name to exploit the picture and connected her with the character Erika Wolf, played by Lya Lys.

Chicago—Warners' legal department has advised company's theaters in this area that "Confessions of a Nazi Spy" must not be publicized as "based on the book written by Leon Turrou."

Universal Signs Mae West; To Star in Three Pictures

West Coast Bureau of THE FILM DAILY

Hollywood—Mae West will star in three pictures for Universal. In first one, she will be co-starred with W. C. Fields, and in the next two she will be starred. Stories are to be selected later. First picture will be story of the West. Eddie Cline will direct, Grover Jones is to write the story and Lester Cowan will produce. This will be one of highest budgeted pictures made by Universal in many years and will start about Sept. 1.

Partee Sells Mich. House

Reed City, Mich.—The Strand Theater here, owned by Roy Partee, has been purchased by Schuckert & Stafford Theaters, Inc. of Caro.

WEDDING BELLS

Albuquerque, N. M. — Alexander Provos, chief operator at the Coronado Theater here and Florence Hotis of El Paso, were married in St. John's Episcopal Church.

Denver—Don McCormack, Universal exchange booker, and Nora Smith of the Warner Bros. exchange, were married and are honeymooning in New Mexico.

The show that
licked the
World's Fair!

SECOND FIDDLE

BROADWAY SPRINGS BACK TO LIFE
AS THE ROXY PLAYS TO ITS BIG-
GEST BUSINESS SINCE NEW YEAR'S!

DES MOINES OPENING LAUNCHES "CAREER"

(Continued from Page 1)
last night, the opening tied in with the final broadcast yesterday afternoon of Jesse L. Lasky's second "Gateway to Hollywood" talent quest.

For the premiere, RKO Radio brought here Saturday a Hollywood delegation including Jean Hersholt, Anne Shirley, Patricia Ellis, Jean Parker, Edward Ellis, Leon Errol, Joy Hodges, John Archer, Alice Eden, Bob Breen, Marjorie Reynolds, Barbara Reed, Dorothy Lovett, Peggy Carroll, James Ellison, Robert Palmer and Leigh Jason and Phil Stong among others.

Here from the East were Ned E. Depinet, S. Barret McCormick, Cresson E. Smith, Arthur Willi, Ralph Rolan, Louis Alleman and Charles Levy. Walter Branson and Jack Osserman were among the RKO Radio reps here from the midwest via a Chicago special train.

The twin openings were in the best Hollywood manner. The celebrities arrived in open cars for p.a.'s and it is estimated that 75,000 persons were packed in the streets around the two theaters.

Prize Novel to 20th-Fox

West Coast Bureau of THE FILM DAILY Hollywood—"Children of God," the Harper prize novel by Vardis Fisher, has been purchased by 20th-Fox. Louis Bromfield, who, as one of the judges in the contest, read the book in manuscript, recommended it to Darryl Zanuck.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the tenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments is recommended.

Installment No. 10

XIV. OTHER SUBJECTS OF ARBITRATION

(1) *Performance of Contracts*: If a distributor or exhibitor claims that the other has breached the contract, the dispute shall be submitted to arbitration.

Powers of Arbitrators: The powers of the arbitrators in such dispute are limited to:

(a) A finding as to whether or not the contract has been breached, and if it has, then

(b) An award for one of three things:

(1) Specific performance of the provisions of the contract, or

(2) The actual amount of damages for each feature involved, which amount shall not be more than the liquidated damages provided in the contract (except in such case as is described in subdivision (3) immediately following), or

(3) If the arbitrators find that the distributor arbitrarily and wilfully, and without color of right repudiated the contract by refusing to deliver to the exhibitor the pictures, or caused the showing of the picture in violation of run or clearance, then they may grant the amount of actual and compensatory damage (not punitive) for each feature involved.

(Eleventh installment continuing the analysis of other subjects of arbitration will appear Wednesday.)

Equity-AGMA Air Show Waits Now on Talent and Sponsor

Outline for the joint Actors' Equity Association-American Guild of Musical Artists air show planned for the Fall has been agreed upon in principle by the two unions and sponsors are ready to dicker for the show, with lack of a complete talent lineup as yet the only factor that has kept negotiations from being opened.

N. Y. U. to Open Educat'l Film Institute July 1

(Continued from Page 1)

largely through an initial grant of \$75,000 from the Alfred P. Sloan Foundation, Dr. Chase stated. Through the Institute, the University will engage in the production of educational motion pictures and make studies of the place and application of the film in formal and informal education.

Spencer D. Pollard, of the department of economics of Harvard University, has been appointed executive director of the Institute, which will have its headquarters at the University's Washington Square Center.

Chancellor Chase also announced the appointment of the Institute Board, composed of members of the University faculty: Professor Philip O. Badger, assistant to the chancellor; Professor Darrell B. Lucas, of the department of marketing, and Professor Herbert B. Dorau, of the department of economics, chairman.

RKO Exchanges Realigned; Prairie District Set Up

Realignment of several branches and the designation of Prairie District to the newly created district in the Midwest were announced Friday by Jules Levy, RKO general sales manager.

Detroit and Indianapolis branches have been transferred to the Midwestern district under Walter Branson's supervision and will become a part of Cresson Smith's Western and Southern Division.

Nat Levy, Eastern general district manager, will shift his headquarters from Detroit to Philadelphia where he will supervise the exchanges in Philadelphia, Cincinnati, Cleveland, Pittsburgh and Washington, under

HEAR ESSANESS EXEC. IN CONTEMPT ACTION

(Continued from Page 1)

the Government's contempt case against B & K and the major concern negotiations with Bert Farrell, Oriental Theater bundling prey, for a lease after B & K relinquished control of the house. He also conferred, he testified, with George J. Schaefer, then a UA executive, for Oriental film product, including "Drums" and other features. Silverman said he had offered \$5,000 for "Drums" but negotiations fell through.

Attorneys for film companies and B & K objected to this line of questioning. Master Edgar Eldredge allowed the answers to stand and noted objections for future consideration.

Silverman also outlined his circuit's strenuous efforts to obtain first-run product for Essaness Loop Woods Theater with no success except a few minor films.

Edward Mager, Allied film booker, testified concerning release sheets the association sent out to its members and others. Mager said the dates were arrived at by adding 10 weeks to expiration of Loop runs, which gave him the approximate general release date.

Government attorneys used Mager's testimony to bring out the uniform clearance situation in Chicago territory. Defendant attorneys objected to Mager's testimony but Eldredge admitted it.

Elmer Upton, B & K comptroller, at the preceding session, identified various B & K film contracts with film companies, also papers relating to organization of the Balaban Investment Corp. with \$1,000,000 capital. This company was succeeded by the Oriental Theater Corp., with \$100,000 capital, which held the Oriental Theater lease at the time B & K closed the house. He also identified Barney and John Balaban management contracts with Paramount and B & K.

Robert Goulding, defense attorney, objected these contracts had no relation to the Government's case. Robert Wright, Special Assistant to the Attorney General, countered that that part of the Sherman Act showing monopoly might be applicable. Attorney Frederick Burnham for Loew's argued the film companies were not interested in the B & K management contracts.

The hearing adjourned until 11 a.m. Wednesday.

E. L. McEvoy, Eastern and Canadian sales manager.

Buffalo has been added to J. H. MacIntyre's Northeastern district, which is to consist of Albany, Boston, Buffalo and New Haven.

The newly created Prairie district will be under L. E. Goldhammer's supervision and will consist of Des Moines, Minneapolis, Omaha and Sioux Falls, continuing as part of Smith's division.

Where were you

YESTERDAY

Where are you

TODAY

Where will you be

TOMORROW

FOREIGN SITUATION BEFORE HAYS BOARD

(Continued from Page 1)

Directorate were headed by reports and an analysis of conditions currently present in the foreign field, particularly in Britain, where recently the Government extended much-needed alleviation to film interests via mixing of the proposed excise tax on raw film, and disposition to cut down to a practical minimum other import duties. Situation in other world sectors, chiefly Continental Europe in light of the most recent crisis there, received attention.

Additionally, Will H. Hays reported on plans and progress in relation to the suggested short wave broadcasts to Europe and South America in co-operation with both CBS and NBC. Currently, film companies are working on the supply of material, which, it has been decided, will be co-ordinated through MPPDA. Sample material will then be presented to the two major networks.

Directorate discussed Hay's report on the study of relief and security within the industry, and co-operation with the Motion Picture Relief Fund. The MPPDA board committee, headed by George J. Schaefer, with J. H. Hazen representing Harry M. and Major Albert Warner, together with Barney Balaban, will continue the work.

Harry D. Buckley, chairman of the MPPDA Television Committee, reported on the progress of findings in that field with respect to film industry relations, as probed by him and his co-committeemen, Charles C. Moskowitz and Paul Raeburn.

Public's highly favorable reaction to the film, "Land of Liberty," contributed by the industry for exhibition at the New York World's Fair, was, Hays declared, very gratifying.

Ralph B. Austrian, it was announced, has been substituted for H. L. Sommerer as representative in MPPDA for RCA.

Today, MPPDA will be officially open, but manned by a skeleton staff. Attending Friday's meeting were Will H. Hays, Major Frederick L. Herron, George J. Schaefer, Nicholas M. Schenck, Jack Cohn, E. W. Hammons, W. C. Michel representing Sidney R. Kent, Harry D. Buckley representing Murray Silverstone, J. H. Hazen representing Harry M. and Major Albert Warner, and C. D. Prutzman representing Nate Blumberg. Barney Balaban was unable to attend the meeting, being out of town for a brief vacation.

Hays leaves New York tonight for San Francisco, where on Thursday he will deliver an address at the annual convention there of the National Education Association, and proceed to Hollywood where he will spend several weeks.

Improve Wilmington House
Wilmington, Del. — The Rilato Theater has closed for remodeling, and will open on Aug. 18.

THE WEEK IN REVIEW

Majors Answer Gov't—Argentine Drops Measure

By GEORGE H. MORRIS

(Continued from Page 1)

ticulars, conceded so little to the charges that responses were virtually of a blanket character.

TRADE REFORMS: Returning from South America, Sidney R. Kent scored Allied's rebuff of proposed trade practices code, and declared he had concluded that nothing the distribs. could offer would be acceptable to the exhib. body. He added that he would confer further with William F. Rodgers and other distrib. leaders on the situation . . . TO of Oklahoma, MPTOA affiliate at its convention's conclusion condemned Neely Bill, and postponed for time being action on Code . . . Industry watched with interest N. Y. Allied's meet in Syracuse on Thursday, next, for promised developments.

EXHIBITION: Canadian exhibs. planned meeting in fight against protection . . . U. S. exhibs., survey showed, are strongly opposed to use of old films for television . . . Decision of Judge Bayes in Special Sessions appeared to hold fate of cash games in New York City theaters . . . and a checkup revealed 389 Negro theaters in 28 States.

NEELY BILL: Debate and vote on Neely Bill is expected Thursday, Washington sources asserted.

ADDED HIGHLIGHTS: James Roosevelt received new long-term contract from Samuel Goldwyn for meritorious service rendered to date . . . 108 prominent industry members attended organization dinner in New York of Picture Pioneers and named Jack Cohn, Columbia v.-p. as group's head; Hal Hode, secretary; and Marvin Schenck, George J. Schaefer, Herman Robbins, Jack Cohn, Joe Hornstein, Harry Brandt, Harry D. Buckley, and Hal Hode to exec. committee . . . Standard Trade & Securities forecast "moderate betterment" for pix industry this Summer.

Quebec's Exhibs. to Probe City's Right to Show Pix

Quebec — Operators of Quebec's eleven theaters, closed since June 2 in protest against the additional ten per cent admission tax levied by the municipality, have decided to investigate the city's right to operate municipal motion picture theaters. Their legal advisers are studying the city charter to see whether the city can legally exhibit films following its purchase of two motion picture projectors. City officials said the projectors would be used in the Montcalm Palace Municipal Theater and perhaps for outdoor shows.

Boston Still Likes It

"Ecstasy," is now being held over for the seventh week at the News Reel Theater in Boston. "Ecstasy" played the Park Theater last year for 30 weeks.

FOREIGN

ARGENTINE BILL: Arriving in New York from South America at week's outset, Clemente Lococo, prominent Argentine exhibitor revealed that the bill providing for nationalization of the pix industry there has been dropped, and chances of revival are slim.

DILEMMA IN CHINA: U. S. distribs. said Del Goodman, 20th-Fox general manager in the Orient, upon disembarking on the West Coast, are very likely to cease operations in China unless re-import duties on U. S. pix are removed at Shanghai and restrictions are lifted at other Chinese ports.

NSW QUOTA: Charles Munro, head of Hoyt circuit in Australia, told THE FILM DAILY that if the new South Wales Government puts into effect at beginning of July the 15 per cent British quota, now reported to be impending, action will be a crippling blow to Australian theater owners.

FEDERAL THEATER PROJECT DIES

(Continued from Page 1)

bill. Senate bill had lifted the House ban on the project. The conference report was adopted by both houses and Friday night, the President signed the bill.

In a statement, President Roosevelt termed the FTP's elimination "discrimination of the worst type."

Administrative and supervisory employees on the project may be continued on the payroll during July while closing up FTP affairs.

End of the FTP dooms 32 New York units, including three Broadway shows.

Sacks Forms Own Firm

S. D. Sacks, for the past 14 years associated with Robert Teller, lithographers, has formed his own organization, the Saxon Offset Litho Corp. with headquarters at 216 E. 45th St. The Saxon Company has taken over the Acme and Reid offset plant. The new company will specialize in motion picture accessories.

"Diddle-diddle diddum,
diddum ga
ga-ga moo
SANDY!"



(Translation) "If my new picture doesn't get me even more raves than I got in "East Side of Heaven", then my name isn't Sandy!"

* UNIVERSAL presents **Baby SANDY**
in
"UNEXPECTED FATHER"
with
Shirley ROSS, Dennis O'KEEFE, and Mischa AUER
For Release July 7th

CODE IS UNCHANGED, DISTRIBS. CONTEND

(Continued from Page 1)

nual convention in Minneapolis last month.

"In addition," the statement continues, "the code also contains many other provisions favorable to exhibitors that were not even requested of the distributors."

In extending an invitation to all exhibitors, regardless of their affiliations, to accept the code, Rodgers points out that "with the contemplated change in the machinery for settling clearance disputes, it is sincerely believed that we have a document that will enable all interested parties to conduct their business relationship more harmoniously and thereby benefit the industry at large."

Rodgers contends that "we are not alone in this belief, as already the majority of organized theater owners, independent as well as affiliated, have indicated their desire to operate under such a code and are anxious that its application be put into effect at the earliest moment possible."

In reviewing the events leading up to Allied's rejection of the draft, Rodgers asserted that the distributors had been invited to Minneapolis under the impression that there would be an open forum. The distributors were heard on Wednesday, June 14, he explained, and the following day "learned to their amazement that the Allied board had previously accepted their Negotiating Committee's recommendation to reject the code and the rejection was accordingly decided the day before the distributors had an opportunity to be heard."

In regard to alleged misleading statements, Rodgers referred to remarks that "this or that clause appears for the first time in the March 30 draft," but he pointed out that "not one word is said about the fact that Allied's general counsel was invited on January 16 to prepare a draft in language more suitable to Allied." The draft of June 10, he explained, contains much of the language and suggestions of Allied. "Yet the statement is made," Rodgers concluded, "that Allied had no contact with distributors between the January 16 meeting and the receipt of the March 30 draft."

Rodgers commented on the fact that much has been said about the preamble to the code. Allied's preamble bound the distributors to ob-

REVIEWS OF NEW FILMS

"Second Fiddle"

with Sonja Henie, Tyrone Power
20th Century-Fox 86 Mins.

POP ENTERTAINMENT WITH SONJA HENIE, TYRONE POWER AND IRVING BERLIN MUSIC.

Nice concoction of entertainment, with plenty of showmanship to sell the fans. There is Sonja Henie with her marvellous skating, Tyrone Power for the femme vote as the romantic press agent running second fiddle to the Hollywood star. There is Rudy Vallee as the star, Edna May Oliver as Sonja's Swedish aunt for the laughs, and the Irving Berlin tunes to catch the melody lovers. Tyrone Power is the press agent who persuades Sonja Henie, a schoolteacher in a small Minnesota town, to come to Hollywood and try to break in as a glamour gal. She makes good with the big producer, and then in order to build her up, Power concocts a romance between her and Rudy Vallee, the leading man. He writes all the love notes each day, sends the flowers and presents, and finally having fallen hard for her himself, writes a love song that makes a great hit. All the time Sonja believes it is true love and not a publicity stunt. When she learns the truth, she flies back to her home in Minnesota, not waiting for the premiere, which is a great success. Frantic at her loss, the producer schemes to have Power follow her there and try to bring her back. The press agent finally convinces her that he has been on the level with his regard for her. Sonja is convinced when he tells her he wrote the song, but she is on the verge of marrying a country swain when he finally convinces her. Sonja Henie appears in three skating sequences, one spectacular, and two on the pond alongside the schoolhouse in Minnesota. Tyrone Power is an effective foil with a sympathetic part that should go strong with his femme fans.

CAST: Sonja Henie, Tyrone Power, Rudy Vallee, Edna May Oliver, Mary Healy, Lyle Talbot, Alan Dinehart, The Brian Sisters, Stewart Reburn, Spencer Charters, Charles Brokaw, Leyland Hodgson, A. S. Byron, John Hiestand.

CREDITS: Producer, Gene Markey; Director, Sidney Lanfield; Author, George Bradshaw; Screenplay, Harry Tugend; Music and Lyrics, Irving Berlin.

DIRECTION, Good. PHOTOGRAPHY, Fine.

serve the principles of the draft but did not provide for the signing of such code by exhibitors or exhibitor groups, Rodgers declared. In the distributors' draft, he continued, both distributors and exhibitors would be obliged to sign the code.

Rodgers said that the distributors made a supreme effort to meet the problems as they were presented despite the fact that Allied represents only a minority, and a small one, of organized exhibitor groups, and much smaller when the nation's theaters are considered. At Allied's request, several drafts were prepared, Rodgers said, in which the "language had been changed, but never the intent."

"Assurances have been given before, and are again repeated, that any unauthorized actions inconsistent with the proposed code will be corrected," the statement concluded.

"Bachelor Mother"

with Ginger Rogers, David Niven
RKO Radio 81 Mins.

GAY, CLEVER FARCE CLOCKS LAUGHS RIGHT THROUGH TO A RIOT FINISH.

One of the gayest light farces of the season, and one that probably produces more laughs than any farce this year. High praise, but it earns it. At the Music Hall the audience was in a constant ripple of laughter, and that is a select audience in the afternoon that doesn't laugh too easily. Ginger Rogers proves herself a light comedienne of real ability. David Niven is an excellent foil, playing a difficult role with just the right touch. The story in this case proves that it is the thing, and author Felix Jackson has injected a lot of delightful touches in a story that could have been very risqué, but was handled by director Garson Kanin with due regard for the proprieties, the sniff-noses and the censors, and the result of their combined labors, and those of Norman Krasna as the scripter, results in as delightful a light farce as the screen can boast. All about a department store slavey who finds a baby on the doorstep of a foundling home. She picks it up, and takes it inside, and from then on she cannot convince anybody that she is not the mother trying heartlessly to get rid of her child. Eventually it means losing her job at the department store, and she then admits to Niven, the proprietor's son, that it is her youngster, in order to stave off this calamity. And from then on it is a riot of laughs, with the polished youth being drawn in deeper and deeper, till finally through dad's interference and suspicions he admits that he is the father, and so their sprightly romance ends happily with the old man's blessing, for he always wanted a grandson. The entire cast do a grand job. It can't miss wherever folks enjoy laughter—and cleverness. Selling angles: too many to choose from. Ginger Rogers. The baby situation that is a natural for every woman, married or single. The swell laughs that practically never stop.

CAST: Ginger Rogers, David Niven, Charles Coburn, Frank Albertson, E. E. Clive, Elbert Copen, Jr., Ferike Boros, Ernest Truex, Leonard Penn, Paul Stanton, Gerald Oliver-Smith, Leona Roberts, Dennie Moore, June Wilkins, Frank M. Thomas, Edna Holland.

CREDITS: Producer, B. G. DeSylva; Director, Garson Kanin; Author, Felix Jackson; Screenplay, Norman Krasna; Camera-man, Robert de Grasse; Editors, Henry Ber-man, Robert Wiss.

DIRECTION, Excellent. PHOTOGRAPHY, Fine.

Kindler Motion Lost

A motion made Friday by Abraham Kindler and the Empire State Operators union to appeal to the Court of Appeals in the Kimmel vs. Kindler-union case, was denied by the Appellate Division.

Form Telex Tele Co.

Chicago—Dr. B. Nathan, S. H. Melnick and C. L. Moorman have organized the Telex Radio and Television Co. with offices at 2900 W. Vermont St., Blue Island.

CENTURY CIRCUIT STOPS GIVEAWAYS

(Continued from Page 1)

Brooklyn and Queens effect as of Friday night last.

No action has been taken by other circuits, but the Brandt theaters were said to be making a decision over the week-end on game eliminations, with others expected to follow suit if they can. One circuit exec. told THE FILM DAILY that this decision by the courts might prove the key to complete elimination of games in this area.

The statement from the Century Circuit disclosing its action which was issued from the office of J. R. Springer, general manager, is as follows:

In view of the fact that the manager of a theater not affiliated with the Century Circuit was arrested, fined \$500 and given a jail sentence, which it is reported was afterwards suspended, Century feels that it is not fair to have its managers assume a similar risk and is therefore announcing in all Century Theaters within the City of New York that all such money giveaway activities will be suspended until the legal situation concerning games and giveaways is clarified.

Beginning today a number of theaters in mid-town Manhattan are scheduled to stop all giveaways, the decision having been reached at a meeting at the ITOA office attended by C. C. Moskowitz of Loew's, John O'Connor of RKO, Harry Brandt, Laurence Bolognino and others. Houses included in the agreement are in the areas from West 34th to West 72nd and from East 34th to East 59th Streets. Area may be extended if its success warrants.

Williams Coming to New York To Settle Equity Trial Date

(Continued from Page 1)

Judge John C. Knox, who is in charge of the calendar.

Trial date will be some time in the Autumn, it is reliably understood.

N.D.'s 3% Levy Against Ascaph Revenue in Effect

Fargo, N. D.—The new state law levying a tax of three per cent of gross earnings of Ascaph within the state became effective on Saturday.

The law also requires that Ascaph file in Bismarck a list of the musical compositions on which it claims to hold copyright.

Unreconstructed

New Orleans—The South either doesn't forget or has fixed ideas about entertainment. "Young Mr. Lincoln" got pulled from the Saenger before its week was over due to low business.

Personal Liability

Paris (By Cable)—Pola Negri, who appeared in court here on the week-end to ask 1,000,000-franc damages as result of an article appearing in the Paris Soir which represented her as a friend of Adolph Hitler, was described by two witnesses as having suffered much moral damage by the allegation. The actress remained silent throughout the proceedings, during which defense counsel tried to show that knowing Hitler was no slander.

LESTER THOMPSON
M P P & D
23 W 44TH ST
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THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 2

NEW YORK, WEDNESDAY, JULY 5, 1939

TEN CENTS

Dominion-Wide Convention of Indies Looms in August SOARING BIZ ENDS BROADWAY 1939 B. O. DROUGHT Majors' Broadway Plans for 1939-40 Waiting on Guild

Metro Scores

... with fine fantasy

By CHESTER B. BAHN

THE morning's mail the other day brought, among others, a letter from a feature writer for a leading American fan magazine requesting the definition of this commentator's critical tape-measure.

"What must a screen play possess to please you?" was the specific question posed.

'Tis a pity that the query did not follow rather than precede a preview of Metro's "On Borrowed Time," if it had, 'twould have been a simple matter to answer. Instead of using up to a hundred words or thereabout, there could have been such laudable brevity as this:

"See 'On Borrowed Time'—that's it."

IN THE adaptation of the Broadway stage play (in turn the adaptation of a novel), Metro has one of the swellest pieces of cinematic entertainment that the year has produced.

An absorbing, stirring picture, moving one minute to honest tears, the next to as honest laughter, "On Borrowed Time" is at once a brilliant prestige film and a potential box office champ. And that, if you please, whether rated from the metropolitan or small town point o' view.

Seldom on the screen has fantasy been so skillfully employed and, naming names, the credit would appear to be shared by Alice D. G. Miller, Frank O'Neil and Claudine West who did the very human screenplay; by Harold S. Bucquet who directed and by Sidney Franklin who produced.

THERE is however this suggestion for the exhibitor who will play "On Borrowed Time": Insist that your patrons insofar as possible see the picture from start to finish. Unless caught from the opening scene the essential mood of the story may be lost and the auditor left to mentally grope for the key to the fantasy.

So the wise showman when presenting "On Borrowed Time" will advertise the starting hours of his shows and adhere to the published schedule.

That done he safely can go fishin'; for what the usual promotional measures do not get in the way of business word-of-mouth will.

Plays for Production Said Available; Hopeful of Pact's Revision

West Coast Bureau of THE FILM DAILY

Hollywood — Major producers interested in presenting plays on Broadway feel encouraged that revisions can be worked out in the Dramatists' Guild basic agreement, so that they can resume stage productions, according to authentic sources.

The producers have the material for new Broadway productions. But the next move is up to the Guild, which has as yet not approved revisions. Producers are hoping approval
(Continued on Page 8)

METRO SPURNS TELE AS FILM OPPOSITION

London (By Cable)—Not only are Metro's shorts and features, both new and old, to be withheld from tele-
(Continued on Page 7)

Exhib. Letters Urge Brandt to Start New Nat'l Ass'n

Harry Brandt has received a number of letters from independent exhibitors in different parts of the
(Continued on Page 7)

Anti-Protection League Will Not Move to Negotiate Until After Convention

50 Pix Shooting, Seven More Starting This Week

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood — Seven new productions are scheduled to go into production this week.

At Warner Bros.: "The World Moves On," drama of the roaring
(Continued on Page 8)

GAMES PARLEY DUE TOMORROW

License Commissioner to Meet with Indie Circuits

Clarification of the screen games situation is due this week via a confab either tomorrow or Friday between License Commissioner Paul Moss and representatives of local indie circuits and smaller exhib. interests.

Sources close to Commissioner Moss declared on Monday that despite delay necessitated by the intervening July 4 holiday, it is felt that a speedy solution to the games problem is essential to avoid complications such as that which arose when
(Continued on Page 6)

NATIONAL THEATERS CLOSES FOR UA PIX

Negotiations were completed at the week-end between United Artists and National Theaters, Inc., including all of its five subsidiary circuits headed by Spyros Skouras, for
(Continued on Page 7)

State's 19-Year Record Falls; General Upturn Seen in Hinterlands

By HOLLIS KENNAHAN
FILM DAILY Staff Writer

The vanishing patron is returning to the ticket sellers' windows on old Broadway, with a deluge of coin signaling the end of what has been termed the great b.o. drought of '39.

SRO signs were well nigh the rule over the extended holiday week-end, and in one instance, it was necessary to rush police reserves to handle the b.o. stampede—this, if you please, on traditional Blue Monday. Boy, oh boy!!!!

Survey of the Broadway scene shows:

Loew State: Expects to crack a
(Continued on Page 6)

EDUC. NEGOTIATING FOR LOAN FROM RFC

Educational Pictures, Inc., is negotiating with the RFC for a "substantial loan" and final arrangements are expected to be completed shortly, stockholders were advised yesterday in a supplemental proxy statement incident to the special meeting called for 2 p.m. July 14.

While Educational's pending agree-
(Continued on Page 7)

New South Wales Makes 15 P.C. Quota Operative

Sydney (By Cable)—The quota provision in the New South Wales films bill calling for 15 percent British representation by all exhibitors
(Continued on Page 8)

Para. to Redeem \$1,950,000 of 6% Debentures July 31

Confirming the promise made to the stockholders at the recent annual meeting by President Barney Balaban, Paramount has called for re-
(Continued on Page 7)

THE NEWSPAPER OF FILM DOM **Film** DAILY ALL THE NEWS ALL THE TIME

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF MONDAY)

NEW YORK STOCK MARKET

	High	Low	Close	Chg.
Am. Seat.	12	12	12	+ 1/4
Col. Picts. vtc. (2 1/2%)				
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.				
East. Kodak	159	159	159	
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	41 1/8	41 1/8	41 1/8	+ 1/4
do pfd.				
Paramount	8 3/8	8 1/8	8 3/8	+ 1/4
Paramount 1st pfd.				
Paramount 2nd pfd.	9 1/2	9 1/2	9 1/2	+ 1/2
Pathe Film	9	8 3/4	9	- 1/8
RKO	15 1/8	15 1/8	15 1/8	
20th Century-Fox	18 1/4	18 1/4	18 1/4	+ 1/4
20th Century-Fox pfd.				
Univ. Pict. pfd.	60 1/2	60 1/2	60 1/2	- 1 1/2
Warner Bros.	4 1/4	4 1/4	4 1/4	+ 1/8
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	99 3/4	99 3/4	99 3/4	+ 1/8
Loew's deb. 3 1/2s46	102 1/2	102	102 1/2	+ 1/2
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47				
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db's 6s48				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 3/8	1 1/4	1 1/4	- 1/8
Technicolor	14 7/8	14 7/8	14 7/8	- 1/8
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		3 1/2
Loew's Thea. Realty 6s 1st '47		99 3/8
Met. Playhouse, Inc. 2nd deb. '45	68	70
Roxy Thea. Bldg. 4s 1st '57	65 3/8	67 3/8

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the eleventh installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments is recommended.

Installment No. 11

(2) **Clearance:** The distributor and exhibitor recognize the following principles:

(a) That reasonable clearance with respect to time and area is necessary in distribution and exhibition of pictures.

(b) That an exhibitor has the right, without restriction, to contract for any run which he is able to negotiate with the distributor, and

(c) That a distributor has the right, without restriction, to contract for any run which it is able to negotiate with an exhibitor (excepting only where the distributor abandons a regular customer to sell to a circuit: see Article VI entitled "Regular Customer").

Arbitration of Clearance Disputes: Any dispute as to whether or not the existing clearance under the conditions involved in any particular case is unreasonable, shall be subject to arbitration.

Powers of Arbitrators: The powers of arbitrators in a clearance dispute are limited to:

(a) A finding as to whether or not the theater complained of is entitled to clearance, and if it is, then

(b) An award for the reasonable maximum clearance to which such theater is entitled.

(3) **Overbuying:** If an exhibitor claims that another exhibitor has overbought with the intent and effect of depriving the complaining exhibitor of sufficient pictures to operate his theater, the dispute shall be subject to arbitration.

Principles Guiding Arbitrators: in such a dispute, the arbitrators shall make due allowance:

(a) For a sufficient number of pictures reasonably to protect the exhibitor from non-delivery and failure to make pictures available, and

(b) Give due regard to the type of operating policy of the theater operated by such defendant exhibitor.

In no event shall an exhibitor be considered overbought if the product obtained by him does not exceed by more than 15 per cent his maximum requirements.

(Twelfth installment will appear in THE FILM DAILY tomorrow.)

Ohio Film Rental Tax Suit Hearing Over Till July 15

Columbus, O.—For the third time extensions were granted in the two taxpayers' suits involving non-payment of sales tax on film rentals. This time the continuance is until July 15.

Aubrey Wendt, assistant attorney-general assigned to defend the tax commission, said that Robert Barton of the law firm of Bricker, Power & Barton, had requested the extensions. It was also disclosed that the firm had been retained by the MPPDA to protect its interests.

Gov. John W. Bricker is an inactive member of the firm, with which his secretary, Don Powers, is also said to be associated.

WB Checking Reaction To Distribution Policy

Under supervision of Gradwell L. Sears, Warners' distribution department is currently launching a national survey to check on box offices as barometer for company's big pix releasing policy in vogue during summer months. Branch managers have been instructed to file with the home office detailed reports on both box office and audience reaction to eight big-budget features during July and August.

Salesmen of 32 Warner exchanges will collect data from exhibitors playing WB product.

RKO Proctor Gets Appearance Order Against Tax Board

Supreme Court Justice Ernest Hammer Monday ordered William S. Miller, president of the board of taxes and assessments, of New York City, together with Dominic A. Trotter, William Mills, and Joseph Lully, commissioners and members of the board of taxes and assessments, to appear Sept. 18 in the Supreme Court to answer a complaint against them by the RKO Proctor Corp.

RKO Proctor owns a theater located at 154 East 58th St., New York City, which property was assessed at \$755,000 unimproved and \$1,325,000 improved for 1939. It is claimed by RKO Proctor that the site was overassessed by \$387,000.

Daughters of Isabella Back Neely's Measure

Columbus, O.—Support of the Neely bill was urged of Senators Vic Donahey and Robert A. Taft in telegrams sent from here to Mrs. Helen Howard, state regent of the Daughters of Isabella. The 5,000-member Catholic organization has gone on record as being in favor of the measure.

U. J. Herrmann Dies

Chicago—U. J. Herrmann, 66, theater operator and sportsman, died here of injuries received in an automobile accident.

COMING AND GOING

JULES BRULATOUR, accompanied by MRS. BRULATOUR, is en route to the Coast from New York.

FRANK G. PLANAS, Warners' manager for Puerto Rico, has arrived in New York for home office conferences, and plans to return to his post in about 10 days.

WILLIAM KEIGHLEY and GENEVIEVE TOBIN arrive in New York tomorrow from a World cruise.

CARL ROGERS, assistant manager of Loew's theater in Harrisburg, and his wife are spending a two-week vacation in New York.

PAUL ROBESON sails from New York today for Europe on the Queen Mary.

MORGAN PADELFORD, of Technicolor's Coast studio, leaves New York tomorrow on the Ile de France.

OSCAR A. DOOB, Loew theater ad-publicity chief, and MRS. DOOB are vacationing on John Balaban's Illinois farm.

CHARLES H. WURZ, veteran showman, is in town from the Coast for the first time in 15 years.

WILLIAM HEBERT, Selznick International publicity director is in New York from the Coast.

HOWARD BENEDICT, RKO studio publicity director, arrives on the Coast tomorrow from the East.

JAMES ROOSEVELT, Goldwyn vice-prexy, was a speaker yesterday at the opening session of the National Education Ass'n convention in San Francisco.

MORRIS LEONARD, Balaban & Katz counsel, is spending a few weeks on the West Coast.

JOHN FULLER, Metro Australian exec., accompanied by his daughter, PHYLLIS, arrives in New York this week.

M. A. LIGHTMAN, former MPTOA prexy, is on the Coast from Memphis, Tenn.

UNA O'CONNOR arrives from England this week and will plane to the Coast.

DAME MAY WHITTY is due in New York from London at the end of the month.

FRANK DONOVAN, production manager for Pathe News, is due back this week from Sun Valley, Ida., where he supervised the filming of material for a new short.

JOHN LODER returns this month via PAA's Yankee Clipper from England to make his first American picture since 1932 in Paramount's "Diamonds Are Dangerous."

MOVITA pans to sail for Europe on the Queen Mary today.

Bakalainikoff Signed

West Coast Bureau of THE FILM DAILY

Hollywood—Franklyn Warner has signed Constantin Bakalainikoff to conduct Joseph Nussbaum's score for his Fine Arts production, "Isle of Destiny."

THE THEATRE

"Roars of Pleasure"—Atkinson, Times.

WHAT A LIFE

with EZRA STONE as Henry Aldrich
MANSFIELD, W. 47th St. Mats. Wed.
and Sat.
CIrcle 6-0640

"A MUST GO ENJOY IT."

Walter Winchell
GYPSY ROSE LEE Comedy Farce
with Music

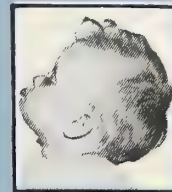
I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN
Air-Conditioned. and JACK WHITE
Vanderbilt, W. 48th St. Evs. 8:40
Mats. Wed. & Sat.

On your mark...get set...GOO!



And did Baby Sandy go! In "East Side of Heaven" with Bing Crosby he won every critic in the country! He's next to the heart of everyone! More arms ache to hold him, more people want to see him, than any other new star in the business. And it's *your* "Business" in "Unexpected Father!"



The New Universal presents

BABY SANDY *in*

"UNEXPECTED FATHER" *with*

SHIRLEY ROSS • DENNIS O'KEEFE • MISCHA AUER

JOY HODGES • DONALD BRIGGS • ANNE NAGEL • DOROTHY ARNOLD

Screenplay by **CHARLES GRAYSON & LEONARD SPIGELGASS** • Original story by Leonard Spigelgass

Directed by **CHARLES LAMONT** • Associate Producer: **KEN GOLDSMITH**

released now!



SING OUT THE NEW

The New York Times.

"With Ginger Rogers setting a devastating pace, a troupe of expert comedians has come prancing into the Music Hall with a merry jape that deserves something better than farce classification . . . it is comedy, simple if not always pure, and we must call it one of the season's gayest shows."

—Frank S. Nugent

New York Post

Blue Streak

7th Race—Baseball

"Not this year and not last has an audience laughed as it does at 'Bachelor Mother.' It hits on all sixteen cylinders, becoming a powerhouse of amusement. Ten to one it will prove itself to have been the best screen comedy of 1939. If another picture comes along to prove this department a liar, it will be a pleasure to die laughing."

Archer Winsten

New York World-Telegram

7th SPORTS

BASEBALL

LATEST RACING

PRICE THREE CENTS

"Witty dialogue, speed, slick direction and capital performances make it one of the most amusing screen frolics of the year . . . Situations which frequently skip dangerously over thin ice are not only hilariously funny but also always in unimpeachable good taste. A film that has sparkle, liveliness and fun."

—William Boehnel

NEW YORK
Herald Tribune

LATE CITY EDITION

"As inspired a production as you will often witness . . . I recommend it as a vastly satisfying entertainment . . . Whether Ginger is dancing in a jitterbug contest or being a Cinderella who marries her rich employer's son, she is an utter delight."

—Howard Barnes

HOME EDITION

The Sun

HOME EDITION

"Just the proper nonsense . . . neat . . . completely frivolous, and just the thing to take your mind off Fourth of July excitements . . . Will keep you highly amused."

—Eileen Creelman

FIRST DAYS BEAT RECORD-BREAKING "GUNGADIN"! . . . RADIO CITY MUSIC HALL'S BIGGEST OPENING IN ALMOST SIX MONTHS!

S, BOYS... it's great!

2 **DAILY MIRROR** **2**
Number of The Associated Press
 2 Cents Outside City Limits
 Vol. 21, No. 2
 New York, Tuesday, June 21, 1939
 FINAL EDITION 4 A M ★ ★ ★ ★

"Applying the simple charm which distinguished his 'A Man To Remember' and 'The Great Man Votes,' Director Kanin makes 'Bachelor Mother' a delightful farce . . . As suitable for the family trade as for the smart set . . . Filled with sly humor and genuine charm. Adds further luster to one of Hollywood's newer directorial names."

—Bland Johaneson

DAILY NEWS **FINAL**
Published by the NEW YORK NEWS COMPANY
 1,825,000
 1,825,000
 New York, Tuesday, June 21, 1939
 Vol. 21, No. 2

"Gay comedy of errors . . . aimed directly at the risibilities by the cast and Director Garson Kanin . . . Ginger is at her best in the title role and she is splendidly supported by David Niven, Charles Coburn, Frank Albertson and E. E. Clive."

—Kate Cameron

7 **RACE RESULTS BASEBALL SPORTS COMPLETE** **Journal American**
New York
 Vol. 21, No. 2
 New York, Tuesday, June 21, 1939

"A thoroughly entertaining comedy . . . takes its place as one of the high spots of the movies' Summer season . . . A smooth succession of hilarious incidents . . . Its players are exactly suited to the roles, and its writing is genuinely humorous. You will enjoy it."

—Rose Pelswick

GINGER ROGERS
DAVID NIVEN in

Bachelor Mother

WITH
CHARLES COBURN • FRANK ALBERTSON

E. E. CLIVE DIRECTED BY GARSON KANIN • PRODUCED BY B. G. DESYLA
PANDRO S. BERMAN IN CHARGE OF PRODUCTION

SCREEN PLAY BY NORMAN KRASNA
 STORY BY FELIX JACKSON



R K O
RADIO
PICTURES

SOARING BIZ ENDS B'WAY B. O. DROUGHT

(Continued from Page 1)

19-year-old house record with Eddie Cantor on the stage and Metro's "It's a Wonderful World" on the screen. Gross for the week is estimated at \$50,000 as against \$44,000 record, long-standing. Detail of 20 police was required Monday to assist house staff in manning the ropes.

Paramount: With an approximate "take" of \$61,000, house had its best opening week figure since last September with Para's "Man About Town" and Gene Krupa's band.

Radio City Music Hall: Looks for a \$100,000 week with "Bachelor Mother" (RKO Radio) and stage show.

Roxy: "Second Fiddle" (20th-Fox) and stage show stay for a second week, with a third in sight.

Astor: "Goodbye, Mr. Chips" still steady and strong in its eighth week; Monday's biz very good.

Strand: "Daughters Courageous" (Warners) and Sammy Kaye's ork. continuing to give the house lobby waits and lines on Broadway.

Capitol: "Stronger Than Desire" (Metro) pulling strong biz.

Palace: Better than average week-end biz and strong Monday biz with "Young Mr. Lincoln" (20th-Fox) and "They Asked for It" (Universal).

General b.o. upturn is indicated by reports from the hinterlands to New York home offices. Illustration is provided by heavy draw of "Man About Town" in the six keys where the Jack Benny starrer has opened. Pix is reported running 15-50 per cent better than average in such scattered spots as Omaha, Memphis, Buffalo, Detroit and Rochester.

Games Parley Tomorrow With License Commissioner

(Continued from Page 1)

a conviction was obtained in instance of the Atlantic Theater, Brooklyn.

Loew's Metropolitan houses and other circuits over both the week-end and the holiday continued screen games, while the Century circuit's stands steered clear of them, it being reported that business was just as strong without the games.



Best wishes from THE FILM DAILY
to the following on their birthdays:

JULY 5
Helen Harrison

ALONG THE



WITH PHIL M. DALY

● ● ● **STARTING** the new film year. . . . Charles E. McCarthy, advertising director of 20th Century-Fox, is leading off with a great advertising campaign on "Elsa Maxwell's Hotel for Women" . . . he has engaged a quartette of celebrated artists. . . . John La Gatta, McClelland Barclay, Bradshaw Crandall and George Petty . . . to do paintings which will be featured in the daily and trade press, as well as national mags . . . here is probably the greatest line-up of top-flight artists ever to work on one picture campaign. . . . McCarthy stated that the advertising plans for this feature include color pages in fan and trade papers. . . . the newspaper campaign will be on the same extensive scale as was accorded leading productions of the company during the past season. . . .

● ● ● **SHOW BIZ** is back to Broadway. . . . over the holiday it was a landslide at all the Times Square spots. . . . and that takes in all territory from the Rialto to the Capitol. . . . in the hours up to two o'clock in the afternoon on Monday, they had to call out police reserves to handle the crowds at some of the theaters . . . the local crowds which usually desert New York over the Fourth were more than replaced by the influx of thousands from all over the United States to the World's Fair, arriving with the closing of schools everywhere. . . . your kolyumist walking along the Main Stem heard all sorts of foreign languages spoken by natives from Georgia, Wisconsin, California, Maine, and states scattered in between. . . . the local Broadway showmen are now hoping and praying that this is the beginning of a smash summer biz to break records, with the Fair visitors streaming into New York the rest of the season. . . .

● ● ● **DIPLOMA** of Merit. . . . signed by Howard Dietz on behalf of M-G-M. . . . and awarded to showmen who displayed exhibition skill in presenting "Goodbye, Mr. Chips" to their public. . . . the diploma is a beautiful scroll in script printing, with the exhibitor's name handsomely embossed thereon. . . .

● ● ● **ON BEHALF** of the ITOA. . . . Lionel Toll wrote a letter to the salesmen's local organization, known as Motion Picture Associates, challenging them to their annual baseball game at Indian Point on July 25. . . . Toll says this is one occasion the exhibs look forward eagerly to meeting the salesmen. . . . for on that day they usually outslug the film peddlers, and it is a welcome change to being slugged. . . . this year the exhibs are temporarily hiring as ushers Red Rolfe, Charlie Ruffing and Joe DiMaggio so that they can be ringers on their team. . . . the exhibs. do not consider this unethical, as they figure that the film salesmen will pull a stinker to win the game that will make their little act of duplicity seem trivial and innocent. . . . everything goes in these games, says Toll, except the headlock and tracer bullets. . . . Jack Ellis accepted the challenge on behalf of the Motion Picture Associates in a letter written in prose. . . . just a dirty sales trick to break down the exhibitors' morale and weaken their sales resistance. . . .

● ● ● **CONGRATS** are in order, to be sent to Lou Pollock at Universal, on the arrival in his family of a boy, born last Sunday to the missus at Sydenham Hospital. . . . Also felicitations to Leon Goodman of Loew's ad dep't, who was married on Sunday to Frances D'Lugo. . . .

CANADIAN INDIES CONVENTION LOOMS

(Continued from Page 1)

League will make no move to negotiate for a settlement of its grievances, figuring it will be in a more advantageous position to bargain when its agenda has been given a national indie exhib. sanction. Latest unit to line up with the League is the British Columbia Independent Theaters Association.

Strong exception is taken by J. O. Scott, chairman of the League's central committee, to published reports to the effect that the "dove of peace flutters about the protection issue in Canada," that an undisclosed "important figure" has tipped the League to send a deputation to the Toronto Conciliation Committee, that such Committee is in a receptive mood and prepared "to retain the priority of 28 days for pictures in the large, first-run theaters," but to revise the remainder of the clearance schedule.

"In our opinion," states Scott, "no machinery exists in the industry as yet which can adequately deal with and settle the issues raised."

However, Scott says although he believes the present Conciliation Committee in Toronto is "too heavily packed with the opposition's representatives," "let us get together by all means, only on an equal trading basis. Our committee (the League's) is prepared to consider the creation of conciliation machinery as already outlined by us, empowered to act on a national scale.

"We have no quarrel with the distributors," declares Scott, "on the issue of priority and protection. We are aware that they must cater to the big customer, the chains, whose business means millions of dollars in revenue to them annually, while the business of a single independent is a matter of a few thousand dollars. Separately, we are small fry, but together we have more theaters, more seating capacity than the chains. As a national movement we would be as big and important a customer as they are. The distributors would then humor us as they do the chains which have imposed priority and protection on them."

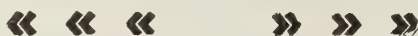
"It's a case of cricket," he concludes, and says, "Meet us half-way in a properly balanced conciliation set-up with proper authority derived from both sides and vested with power to finally enforce its decisions and awards."

Bookers Club to Elect

Cincinnati — Queen City Bookers Club will elect at the Saratoga Club, July 14, at 9 p.m.

WEDDING BELLS

Kenosha, Wis.—Edward F. Morton, assistant manager of the Orpheum Theater here, was married to Miss Marjorie Speaker.



EDUC. NEGOTIATING FOR LOAN FROM RFC

(Continued from Page 1)

ment with Felt & Co. for a three-year \$750,000 revolving fund or provides for termination in the event of RFC loan is secured upon delivery of Grand National common stock as compensation for its services, stockholders are advised the company intends if the loan is secured to proceed with the performance of the Felt agreement with such amendments as are necessary "in order to fully complete its refinancing program."

Proxy statement includes Educational's consolidated statement for the 26 weeks to March 31 last. Total loss for the period is \$433,641.15, the parent company absorbing \$355,156.62 and minority stockholders, \$78,484.53. Grand National film rentals totaled \$528,732.75, Educational rentals, \$361,113.98.

Educational's current liabilities on March 31 are listed as \$487,427.34; cash on hand that date was \$69,915.92.

Exhib. Letters Urge Brandt to Start New Nat'l Ass'n

(Continued from Page 1)

country, urging him to start the ball rolling towards the setting up of a third national exhibitor organization. Brandt said over the holiday that the letters came from territories in which Allied was powerfully entrenched.

Despite the fact that Brandt told THE FILM DAILY last week that he would not be the instigator of another national body, the ITOA chief said on Friday that if he received many more letters such as have been sent to him, he would give serious consideration to the taking of the initiative in launching a new association.

Recent statement of Brandt in the trade press to the effect that he believed a third organization was necessary has aroused considerable interest and favorable comment, he said.

STORKS!

Stockport, O.—To Mr. and Mrs. Ralph Callendine, a girl on June 27. He owns the VonDell Theater.

Cedarville, O.—To Mr. and Mrs. Nelson Creswell, a boy. He operates the Cozy Theater.

Chicago — Sally Babb, formerly private secretary to Jules Rubens, Great States circuit executive, is the mother of twins.

Chicago—Aaron Cohen of the Universal Film Exchange has a new seven-pound son.

What's This? Even Wisconsin Beaches Need Free Movies to Win Patronage?

Milwaukee, Wis.—Latest to go in for free movies in this territory are the amusement beaches. Both Muskego and Waukesha beaches are offering free movies on certain nights in the week.

Para. to Redeem \$1,950,000 of 6% Debentures July 31

(Continued from Page 1)

demption on July 31 approximately \$1,950,000 of 6 per cent debentures, Stanton Griffiths, chairman of the executive committee, announced Monday.

Redemption of this group of debentures marks the retirement of the last of the approximately \$26,000,000 par value of 6 per cent bonds issued in connection with the company's reorganization.

National Theaters Deal Set by United Artists

(Continued from Page 1)

UA's entire program of 28-32 pix for 1939-40.

Deal was consummated by L. J. Schlaifer, vice-president, on behalf of United Artists, and J. J. Sullivan, William T. Powers and Aubrey Schenck on behalf of National Theaters.

Hollywood Product Shown in N. Y. City Shows Drop

Hollywood product exhibited in New York City during the first six months totalled 149, a drop of 24 from last year's comparable total of 173, according to a New York Times checkup. Imports rose to 154 from the previous year's figure, 140. There were seven documentary films. Total of all classes: 310; total for the same period in 1938: 322.

German pictures still head the import list with 45. Mexico was next with 23, France third with 16, England fourth with 13 and Russia fifth with 12. There were 11 Spanish films, 10 Hungarian, 8 Italian, 5 Swedish, 4 Polish, 3 Yiddish and one each from Argentina, the Ukraine, Cuba and China.

FAD Hopeful Metro Will Still Make Lewis Story

Film Audiences for Democracy yesterday released text of a letter addressed to Louis B. Mayer expressing the hope that "you will seriously consider reopening production of 'It Can't Happen Here.' In the event that Metro does not feel justified in doing so, the letter says, "we urge you to sell the rights to other people who we know are eager to produce the story intact." Letter was signed by Henry Pratty Fairchild, president.

Bar Rome Priests from Pix

Rome (By Cable)—An order has been issued from the Vatican that forbids priests of the Rome Diocese from attending motion pictures, theaters, athletic meets and circuses.

Industry Execs. Attend Phil DeAngelis Funeral

Funeral services for Phil DeAngelis, veteran showman, took place Monday morning, with solemn requiem high mass in St. Barnabas' Church at Martha Ave. and 241st St., Yonkers. The honorary pallbearers included William R. Ferguson, Si Seadler, Eddie Carrier and Capt. Volney Phifer, film men with whom DeAngelis was associated in the publicity department of M-G-M. The services were attended by a large number of motion picture executives from various companies who worked with DeAngelis throughout the years, going back to the early days with D. W. Griffith. Interment was at Gates of Heaven Cemetery in Westchester.

Bretherton on "Sky Pilot"

West Coast Bureau of THE FILM DAILY

Hollywood — Howard Bretherton will direct the third of the "Tailspin Tommy" series of features for Paul Malvern, "Sky Pilot," for which Norton S. Parker is preparing screenplay. John Trent, Marjorie Reynolds, Milburn Stone and Jason Robards are featured, and picture starts in July.

METRO SPURNS TELE AS FILM OPPOSITION

(Continued from Page 1)

vision, but the company's ban will extend to the use of its trailers as well, it is formally announced here by Sam Eckman, Metro's U.K. sales chief.

Statement of company's policy, while not unexpected in view of Metro's refusal to release its old product for the 16 mm. market, nevertheless created a decided stir here, due to the marked cleavage of exhibitor opinion on tele generally.

While Metro is interested in GB which in turn is interested in Baird television, Eckman officially announced that Metro does not intend to install a large screen in either the Empire or Ritz "and thus help to popularize a form of entertainment which will only assist in building up competition."

"I am also of the opinion that exhibitors should not rediffuse public events in their cinemas," Eckman stated, pointing out that at the most only 10 or 12 national events are stirring public interest in large-screen tele newscasts.

"A great deal is being said about not standing in the way of progress," added Eckman. "But this is a generality. The hard fact confronting the trade is that there is sufficient competition of one sort or another already."

RKO and other circuits

HOLD OVER

Official Fite Pictures
of the

LOUIS-GALENTO

sensational heavyweight

Championship fight

Now Playing

RKO - LOEW - WARNER - SKOURAS - PARAMOUNT
SCHINE - FABIAN - RANDFORCE - CENTURY
PRUDENTIAL - COCALIS THEATRES

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WIS. BANK NIGHT BAN HAS REPERCUSSIONS

Milwaukee, Wis.—The State Supreme Court's ruling labeling Bank Night a lottery has had its repercussions in various state cities. In Beloit, District Attorney John E. Matheson has brought action against the Wisconsin Theater Enterprise to force discontinuance on the game "Shekels" in the circuit's State, Majestic and Rex theaters. The theater company contends the game does not come under the high court's decision.

In towns where Bank Night has been discontinued as a result of the decision, objections are being raised in several instances. At Madison, the withdrawal of nearly \$3,000 in cash prize money as a result of the suspension brought numerous protests from patrons who felt they have a right to share in the awards.

At Steven's Point, Myron Neumann, manager of the Fox Lyric theaters, said a number of merchants suggested that he continue holding Bank Night despite the court ruling. Several merchants said their stores were busier places on the days of Bank Night than on other days, Neumann said. Cash and automobiles given away at the Fox Theater during the time Bank Night was held amounted to about \$15,000. Neumann said. The weekly drawings have been discontinued as a result of the decision.

At the LaCrosse Theaters' Rivoli Theater, the house which precipitated the court test by Circuit Judge Robert S. Cowie, the management is admitting two people on every adult ticket purchased on Thursday, Friday and Saturday nights "in appreciation of your patronage of our Bank Nights."

Burrus Leaving B & K To Go With Van Halen

Chicago—Charles Burrus, for the past 16 years affiliated with Balaban & Katz, has resigned as vice-president of the Balaban & Katz Employees Association and as manager of the Nortown Theater of the circuit. He will become Chicago manager for the Van Halen Publications of Hollywood.

C. T. Boisumeau of the Terminal Theater will take his place at the Nortown Theater, while Morris Horke will be advanced from the Albia Theater to the management of the Terminal Theater.

Sound Problem

Lincoln, Neb.—Crickets aren't an exclusive farmer worry anymore in the Midwest. Exhibitors are complaining that the recent gob of bugs has found many of them forcing into the theaters through cracks under the doors. They hole up in crevasses, and behind the upholstery, then croak so loudly they foul the sound reception.

Czech Use of "Snow White" as Razzberry for Nazis May Bring Ban on Disney Film

View that Walt Disney may yet become an international political force is expressed by Wallace R. Dueul in a by-line story sent from Prague and copyrighted by the New York World-Telegram and Chicago Daily News. Dueul says "Snow White and the Seven Dwarfs" may achieve distinction of being banned by Germany in its Czech "protectorate" as dangerous to the security of the state. Czechs have been using the song "Heigh-Ho," from the film, as a political anthem to ridicule the Nazi masters. Sample incident cited: Recently in a Prague cafe the Czech version of the lyric, "Heigh-ho, heigh-ho, here come the seven dwarfs," was employed when seven German army officers entered for refreshments.

50 Pix Shooting, Seven More Starting This Week

(Continued from Page 1)

prohibition era in New York City, with James Cagney, starred, Humphrey Bogart, Priscilla Lane and Jeffrey Lynn. Sam Bischoff producer, Raoul Walsh director. "20,000 Years in Sing Sing," with John Garfield, Pat O'Brien and Ann Sheridan. Anatole Litvak director, Sam Bischoff producer.

At 20th Century-Fox: "City in Darkness," another of the Chan series with Sidney Toler as Charlie Chan. Herbert I. Leeds director.

At Paramount: "The White Flame" in Technicolor, with George Archaimbault director and Paul Jones associate producer. Patricia Morison and Ray Milland in the leads. "Paroles For Sale," featuring J. Carroll Naish and William Henry.

At Republic: "Flight at Midnight," with Phil Regan. Aviation drama, with Roscoe Turner in a top spot. Armand Schaefer associate producer.

At Monogram: "Riders of the Rancho Grande," Tex Ritter western. Edward Finney producer with Spencer Bennett director.

Currently in production are 50. They embrace: "Seventeen," "Ruler of the Seas," "\$1,000 a Touchdown," "Are Husbands Necessary?" "Dr. Cyclops," "The Light That Failed," "Death of a Champion," "Our Neighbors—The Carters" and "Argentina," Paramount; "Mr. Smith Goes to Washington," "The Man They Could Not Hang," "Five Little Peppers and How They Grew," Columbia; "The Day the Bookies Wept," "Full Confession," "Everything's on Ice," "Conspiracy," RKO; "Northwest Passage," "The Women," "Ninotchka," "Balalaika," "Blackmail," "A Day at the Races," "Thunder Afloat," "These Glamour Girls," M-G-M; "The Modern Cinderella," "First Love," "They Can't Hang Me," "The Under Pup," "I Stole a Million," "Unexpected Father," "Hawaiian Nights," Universal; "Drums Along the Mohawk," "Tin Hats," "Hollywood Cavalcade," "Heaven With a Barbed Wire Fence," "The Adventures of Sherlock Holmes," "Frontier Marshall," 20th Century-Fox; "The Lady and the Knight," "Queer Money," "On Your Toes," "The Return of Doctor X," "The Dead End Kids at Military School," "Career Man," Warner Bros.; "Mob Fury," "In Old Monterey," Republic; "Eternally Yours," Wanger; "Gone With the Wind," "Intermezzo," Selznick-International; "The Real Glory," Goldwyn; "The Housekeeper's Daughter," Roach.

New South Wales Makes 15 P. C. Quota Operative

(Continued from Page 1)

in the State, is declared effective by the Government as of July 1. It had been expected that this move would not be taken until some agreement had been reached with Great Britain on a reciprocity basis, thus permitting Australian films to serve as quota throughout the Empire.

Pictures made in the United Kingdom by American companies will be allowed to serve as British quota, it is understood.

Charles Munro, head of the Hoyt circuit in Australia, who is currently in New York, said yesterday he did not expect the quota move to be harmful to U. S. distribs., but believed that exhibitors would suffer.

MAJORS' B'WAY PLANS WAIT ON DRAMATISTS

(Continued from Page 1)

will be forthcoming before opening of 1939-40 stage season.

Observers state that producers are interested in screen possibilities of all Broadway plays, pointing out that "Dark Victory" and "Jezebel" were failures as stage plays before being picturized by Warner Bros. and that Warner Bros. also made successful pictures of "Three Men on a Horse" and "Brother Rat," stage successes.

Eagle Prod. Launching Local Newsreel Venture

Eagle Productions, newly organized, has established offices at 16 East 41st St. and plans production and distribution of local promotional newsreels to be shown in theaters and tied up with newspapers. Idea is said to already have been tested successfully in Pennsylvania stands, and activity in the Long Island territory starts next week.

Firm's president is Alfred J. Swickert, and also interested in the organization are the Baron and Baroness Otto von Bradsley. J. H. Harper is promotional director.

"Goo-goo diddl google,
glub SANDY—
grhrr da-da
glubbl!"



(Translation) "The Herald Tribune said 'Sandy steals virtually every scene.' I was just a beginner then. I'm camera-wise now, and I just bowl 'em over in my new picture.'"

* UNIVERSAL presents Baby SANDY in "UNEXPECTED FATHER" with Shirley ROSS, Dennis O'KEEFE, and Mitcha AUER For Release July 7th

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 3

NEW YORK, THURSDAY, JULY 6, 1939

TEN CENTS

Court's Rule Blocks Setting of Date for Equity Trial SIX BROADWAY PRODUCERS MAY MAKE PIX IN EAST Double Threat to Circuits in Amendment to Wis. Bill

Provides for Circuit Taxation and Slaps Income Tax on Gross Earnings

Madison, Wis. — Double-edged threat to exhibition interests operating in Wisconsin has made its appearance in the State Legislature as the latest in a series of moves to impose industry taxation via General Omnibus Bill No. 896.

Taking the form of an amendment to the pending measure, the section, 2-A, would, in effect, provide for circuit taxation and additionally would slap an income tax on the gross earnings of the circuits, both inside and outside the State.

Chain tax provision would apply
(Continued on Page 8)

U. S. GAINS THROUGH NEW FRENCH DECREE

Paris (By Cable)—Position of U. S. features in the French market stands to be strengthened via provisions of the new Government decree regulating the new import quota year, effective July 1, and extending to June 30 next.

Minimum of 150 American attractions will be permitted entry
(Continued on Page 6)

Rep. Expansion Will Be Talked by Yates, Smith

Republic's bookings on new season's product indicate an appreciable gain over 1938-39, sources close to the company declared yesterday.

Not only are domestic contracts
(Continued on Page 6)

WB Preparing 19 Stories for Four Topflight Stars

Burbank—Warners has now in preparation 19 important story properties for four of its topflight stars. Situation is in line with the
(Continued on Page 6)

Senate Show-down on Neely Bill Today: Backers Counting on Pressure Campaign

Washington Bureau of THE FILM DAILY

Washington—Senate showdown on the controversial Neely anti-compulsory block-booking and blind-selling measure is slated for today, with the upper chamber's consideration of the bill virtually assured to be accompanied by verbal fireworks.

Both sides last night were confident of the result. Proponents, with Allied States largely mapping the strategy, have been waging an intensive pressure campaign during the weeks elapsing since the public hearings and subsequent Interstate Commerce Committee's favorable report.

NEELY BILL MENACES PRESS--HOBLITZELLE

Washington Bureau of THE FILM DAILY

Washington—Assailing the Neely Bill as a possible threat to freedom of the press, Karl Hoblitzelle, President of Interstate Theater Circuit of Texas and publisher of the Dallas Dispatch-Journal, declared that the measure, if enacted, might establish a precedent for federal
(Continued on Page 6)

W. Va. ITO To Hold First Convention in September

Pittsburgh — First annual convention of the ITO of West Virginia, a recent affiliation of national Allied, will be held at Clarksburg during September, although the
(Continued on Page 3)

GIVEAWAYS AND CODE BEFORE N. Y. ALLIED

One-day, state-wide meeting of New York Allied being held today in Syracuse is expected to be featured by a discussion of giveaways in general and recent lottery cases, with a possibility that some definite action may be taken.

Unit is due to receive a report
(Continued on Page 8)

"U" Philly Exchange Ordered To Bargain With CIO Union

Washington Bureau of THE FILM DAILY

Washington—Universal Film Exchange, Inc., at Philadelphia has been ordered by the NLRB to bargain, upon request, with United Office and Professional Workers of
(Continued on Page 6)

Deals with Eastern Service Under Discussion, Glett Confirms

By HOLLIS KENNAHAN

FILM DAILY Staff Writer

Plan whereby a group of New York stage producers will produce current Broadway shows and numerous properties they own at the Eastern Service Studios during the next few years, with financing to be provided by interests here, is in work, it was learned last night by THE FILM DAILY.

Charles Glett, vice-president of Eastern Service, when reached at his home, confirmed the story. He stated that he had been working on this plan for six months, and that it was hoped some definite pro-
(Continued on Page 3)

20TH-FOX'S FOREIGN BUSINESS AT NEW TOP

Returning yesterday from a three months' trip that took him to Europe, Brazil and Trinidad, Walter J. Hutchinson, director of foreign distribution for 20th-Fox, reported that the company is doing the greatest business in its history outside of the domestic market despite cur-
(Continued on Page 3)

20th Cent.-Fox Australian Convention Set Aug. 24-26

Australian convention of 20th-Fox forces in the Antipodes will be held August 24-26 in Sydney, it was learned this week. The sales huddle will be held one week before
(Continued on Page 3)

Aaron Jones, J L & S Prexy, on Stand in Contempt-Case

Aaron Jones, Sr., president of Jones, Linick & Schaefer Circuit, gave the history of leading Loop theaters at yesterday's Government
(Continued on Page 8)

Expect Gov't to Ask for Preferred Calendar Position for Equity Suit

Autumn Trials for Both Griffith, Momand Suits?

Oklahoma City—Time allotted by Judge Edgar S. Vaught for filings in the Department of Justice equity suit against the four Griffith companies and distributors expires this month. It is expected that the companies' answers to the government's
(Continued on Page 8)

Because of a Court rule requiring expiration of 20 days, from the time all answers are in, before fixing a date for trial, Assistant Attorney General Paul Williams was unable to secure a definite time of trial for Government's equity action against the majors during his conference with Senior District Judge John C. Knox yesterday.

It is understood that Williams will
(Continued on Page 8)

THE FILM DAILY

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)				
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	9 1/4	9 1/4	9 1/4	+ 1/4
East. Kodak	162	160 3/8	161 1/8	+ 2 3/8
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	42	42	42	+ 7/8
do pfd.				
Paramount	8 1/2	8 3/8	8 3/8	
Paramount 1st pfd.	90 1/2	90 1/2	90 1/2	+ 4 1/2
Paramount 2nd pfd.				
Pathe Film	9 1/4	9 1/4	9 1/4	+ 1/4
RKO	1 1/8	1 1/2	1 1/8	
20th Century-Fox	18 3/8	18 1/2	18 3/8	+ 3/8
20th Century-Fox pfd.	30	30	30	
Univ. Pict. pfd.				
Warner Bros.	4 1/4	4 1/8	4 1/8	- 1/8
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46			
Loew's deb. 3 1/2s46			
Para. B'way 3s55			
Para. Picts. 6s55			
RKO Picts. cv. 3 1/4s47	88 1/4	88	88 1/4 + 1/4
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48			

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.	1 3/8	1 3/8	1 3/8 + 1/8
Technicolor	15 1/8	15 1/8	15 1/8 + 1/4
Trans-Lux	1 1/4	1 1/8	1 1/8
Universal Corp. vtc.			
Universal Picts.			

ITOA Outing July 27

Date for the ITOA all-industry outing has been postponed from July 25 to the 27th.

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

Famous Players Canadian Shares Offered at \$23.50

Montreal—A limited offering of shares of Famous Players Canadian Corporation is being made by Green-shields & Co., at a price of not more than \$23.50 a share. Commenting on the improved position of the company, the prospectus shows \$5,792,000 added to depreciation since 1930; funded debt and mortgages reduced by over \$3,000,000 or more than 30 per cent; interest payments cut by more than a half, minority interests reduced by 25 per cent; net working capital increased by better than \$400,000. Profits available for dividends in 1938 were equal to \$2.38 a share, the best since the depression began. The only capital obligation senior to the common shares is \$6,700,000, there being no preferred shares. Mortgages outstanding appear at \$587,015.

Fair's Projectionist Day to be Planned by No. 306

Committee, comprising G. Edwards, C. Eichorn, O. Kafka and P. A. McGuire, has been appointed by Joseph Basson, president of Local 306, to make arrangements and select a date for Projectionist Day at the New York World's Fair during September.

Participation of all locals in the U. S. and Canada is being sought.

Retired Lawyer to Head Quebec Film Censorship

Quebec — Premier Maurice Duplessis announces the appointment of Herve Roch, K.C., 48, retired Montreal lawyer, as temporary head of the Quebec Motion Picture Censor Board, replacing Arthur Laramée, K.C., who was recently appointed as Juvenile Court Judge. Protest against the City of Quebec's 10 per cent tax on theaters was registered by the Citizens League of Limoilou, suburb, which demanded immediate settlement of the dispute.

Mayor "Fed Up," Hinting End of Quebec Pix Strike

Quebec—Some hope of early termination of Quebec's pix theater strike caused by imposition of an additional civic tax of 10 per cent was seen by exhibitors in a statement by Mayor Lucien Borne that he is "pretty well fed up with the whole affair."

Lantz, "U"-Cartoon Guild Hearing on Coast Today

Washington Bureau of THE FILM DAILY
Washington—NLRB yesterday set the hearing between Walter Lantz Productions, Universal Pictures Co., et al, and Screen Cartoon Guild at 9:30 a.m. today in the U. S. court house and post office building in Los Angeles.

B. T. Britten Named 20-Fox Circuit Manager in Eng.

London (By Cable)—B. T. Britten, formerly branch manager of the 20th-Fox Dublin office, has been appointed circuit's manager in England by R. Sutton Dawes, British director of sales. Percy Livingstone, salesman, has been appointed to the Dublin branch manager's post, and Robert Marfleet has joined the company's sales force in London succeeding the late Maurice Myers.

George E. Jay has been appointed branch manager for 20th-Fox in Soerabaia, Dutch East Indies, it was learned this week, replacing W. H. Seth, resigned.

'Can't Do That to a Union Soldier,' GAR to Selznick

Columbus, O.—Ohio's GAR veterans and affiliated bodies, meeting here for their 73rd annual encampment, in a resolution protested a scene alleged to be used in "Gone With the Wind." The scene depicts the heroine, Scarlett O'Hara, shooting a marauding Union soldier in her Georgia home.

National Commander Robert M. Rownd, Ripley, N. Y., is quoted in the resolution that the protest is based on the fact that "a soldier in the uniform of his country is depicted as a thief, libertine and marauder." Formal action also will be taken at the national encampment in Pittsburgh, it was stated.

Counsel for the AAAA Hears Insurgent Group of the AFA

Hearing of a committee of six members of the insurgent group of the American Federation of Actors was held yesterday by Paul Turner, counsel for the AAAA, which is investigating the conduct of its member union. The committee asked that in any reorganization of the AFA that their eight-point program be given consideration. It was also indicated at the hearing that grievances against the current officers of the AFA would be aired by the insurgent group at the trial next week.

No Dates Yet Set for More Movie—D of C Confabs

Washington Bureau of THE FILM DAILY

Washington — Dr. Willard L. Thorp has returned to his office in the Commerce Department after a short vacation, but dates have not been set yet for further movie confabs.

Conferences on the agenda include Ed Kuykendall's second visit; Allied confab and Hays office and majors meeting.

\$1.62 1/2 Loew Dividend

Loew's directorate yesterday declared the regular quarterly dividend of \$1.62 1/2 on company's preferred stock, payable Aug. 15 to stockholders of record July 28.

COMING AND GOING

S. BARRET McCORMICK, CRESSON SMITH, WALTER BRANSON and ARTHUR WILLI returned to RKO Radio's home office yesterday from Des Moines premiere of company feature, "Career."

LOU LIFTON, Monogram's advertising-publicity chief, leaves Friday for several weeks' vacation in Setauket, L. I.

MORRIS GOODMAN, Republic's foreign manager, arrives in New York today by plane from Miami, following an extended trip through Central and South America.

JAMES R. GRAINGER, president of Republic, is scheduled to leave the home office on the week-end for visits to Atlantic seaboard keys.

ROBERT M. GILLHAM, director of advertising-publicity for Paramount, arrived in New York yesterday from the Coast.

MAX SPRECHER, managing director of Monopole Films, Rotterdam, Holland, is making his headquarters at the office of J. H. Hoffberg in New York during his two-week stay here on a product-buying trip.

MOVITA, film star, sailed from New York yesterday for Europe to join her husband, Jack Doyle.

MARY MARTIN has arrived in Hollywood from New York by plane.

CHARLES C. PETTIJOHN, MPPDA counsel, is in Washington.

ELLEN DREW, film actress, has returned to Hollywood from a two-month stay in Europe.

J. H. WATERS, Waters Theaters Co., Birmingham, Ala., is at the Hotel Edison; LOUIS L. DENT, Westland Theaters, Denver, is at the Astor; R. ALLISON, Rivoli Theaters, Cresson, Pa., and E. F. CLARKE, Mattoon, Time and Clark Theaters, Mattoon, Ill., also at the Edison; and H. F. KENNEDY, Broken Bow Theater, Broken Bow, Neb., is at the Warwick, according to registrations at RKO Radio's lounge.

JAMES ELLISON, RKO Radio player, has arrived in New York from the Coast via Omaha, for a three-week vacation, accompanied by his wife, the former GERTRUDE DURKIN.

SAM MARX, Columbia's story editor, arrived in New York from the Coast yesterday morning on an Eastern story and talent hunt.

S. N. BEHRMAN returned to New York yesterday on the Ile de France from a four-week stay in London, and ROBERT E. SHERWOOD is expected back in New York on July 17.

AL ALLEBORN, unit manager, and ED DUPAR, cameraman, both on Warners' studio staff, have returned to Burbank from New York after making background shots for forthcoming WB productions.

CONSTANCE BENNETT arrived in New York yesterday from the Coast and sails next Wednesday for Europe on the Normandie.

CASEY ROBINSON, Warner writer, returns to Burbank on July 17, following a vacation in Europe.

DR. RUDOLPH G. LISZT, makeup expert, leaves New York today for a two months' business trip in the West Indies.

THE THEATRE

"Roars of Pleasure"—Atkinson, Times.

WHAT A LIFE

with EZRA STONE as Henry Aldrich

MANSFIELD, W. 47th St. Mats. Wed.

and Sat.

Circle 6-0640

"A MUST GO ENJOY IT."—

Walter Winchell

GYPSY ROSE LEE Comedy Farce

with Music

I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN

Air-Conditioned. and JACK WHITE

Vanderbilt, W. 48th St. Evs. 8:40

Mats. Wed. & Sat.

6 B'WAY PRODUCERS MAY MAKE PIX HERE

(Continued from Page 1)

gram shortly would be outlined. George Abbott, John Golden, Arth Hopkins, Brock Pemberton, Herman Shumlin and the Group Theater, are the producers with whom discussions have been held regarding production at the studio. Abbott, Shumlin and Pemberton, when reached by THE FILM DAILY yesterday, all expressed enthusiasm for the plan and stated they hoped it could be put into effect in the near future. The other producers mentioned were also reported to be solidly behind the plan. In the instance of the Group Theater, THE FILM DAILY disclosed on April 13 that plans for the making of three features in the East had been formulated.

Financing by New York interests is being arranged for the producers by Eastern Service in those cases where financing arrangements have been sought, it was said yesterday. It is expected that each producer will undertake a schedule of three to four pictures during the next two years, when and if negotiations are concluded. At least two major distribs. are interested in releasing this product, it was reported by one of the producers contacted. Paramount, it is understood, will take the Group Theater trio.

20th Cent.-Fox Australian Convention Set Aug. 24-26

(Continued from Page 1)

the annual Kent Overseas Drive starts on Sept. 3. C. V. Hake, managing director in Australia, sails for Sydney July 19 on the Monterey. He arrived here earlier this summer on a combined vacation and business trip. He has delayed his departure in order to confer with W. J. Hutchinson, director of foreign distribution, who returned yesterday from a European and South American trip.

Columbus Going 100% Duals

Columbus, O. — Loew's Ohio Theater will inaugurate double features tomorrow, leaving the city without one house showing single bills.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 6

Al Wilkie
Don Mersereau
Frank E. Garbutt
Jay Blaufox

ALONG THE



WITH PHIL M. DALY

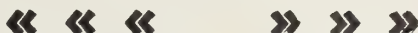
● ● ● **DROPPED** into RKO Radio's lounge for the visiting exhibits. to the World's Fair.....a place where showmen meet showmen..... and in the midst of a flock of exhibitors was Raymond Massey, star of the stage hit, "Abe Lincoln In Illinois," which RKO will produce this Summer with Massey in the title role.....Massey told the exhibitors that he liked to be in good company on and off the screen, and that it was exhilarating to be with a company that could muster a program like that lined up by President George Schaefer and Vice-President Ned Depinet he was pleased, also, he said, to get the point of view of the man who shows the pictures.....a charming personality, this Massey, who will make a notable addition to the ranks of Hollywood's great performers in a great production.....

● ● ● Among the daily visitors at this pop RKO Lounge the femmes are well represented....most of the showmen are accompanied by their wives.....many of the wives of exhibs. play a part in theater operation, and practically all have definite opinions as to who are the most popular stars, and as to the type of features in demand.....in fact one gets the impression that these wives who take a genuine interest in the theater are in great part responsible for the success of that particular house that their hubby operates.....for a woman knows what other women want in entertainment far better than any mere man, no matter how clever a showman he may be.....

● ● ● **NEAT** stunt.....with Republic cracking the news wires the other day at the Bell Telephone exhibit at the World's Fair..... Barry Forman, a seven-year youngster of Brooklyn, won one of those free phone calls anywhere in the U. S. A.....and chose to talk to his hero, the Lone Ranger.....the call was put through to the Republic studios where Bob Livingston, playing the part, took the call.....the story went over the press wires, and several of the news syndicates covered for photo and mat services.....Charles Reed Jones, assistant to Al Adams, ad chief of Republic, handled the stunt.....

● ● ● **WHILE** in England.....Director Richard Thorpe plans to spend some time in Manchester conferring with Sir Oswald Darwin, relative of the famed exponent of evolution, regarding the possibilities of screening the life of the great scientist.....M-G-M, for whom Thorpe will direct "Busman's Honeymoon," believes that Darwin's struggles against superstition, bigotry and the usual "man's inhumanity to man" will make a great motion picture.....one that will equal "Zola" and "Juarez" Sir Oswald has an extensive library, and owns many hitherto unpublished manuscripts and data of his distinguished relative arrangements have already been made for Thorpe to go through these in his search for screen material.....

● ● ● **UNUSUAL** lobby display.....by Manager S. S. Kestenbaum at the Gramercy Park Theater.....exploiting "Confessions of a Nazi Spy"....a glass case contains the lie detector invented by Jacques Brill, with indicators for each part of the apparatus explaining the specific part it plays.....a 30 x 40 display explains Brill's work, and ties the detector in neatly with the theme of the picture.....



20TH-FOX'S FOREIGN BUSINESS AT NEW TOP

(Continued from Page 1)

rent world-wide political conditions. Referring to South America, Hutchinson said, "We hope to increase our business in our neighboring continent through offering Hollywood product that has a native background which will appeal to audiences there." He said that the company would distribute three or four Spanish films in Latin America this year, with its future policy on handling Spanish films depending on the reception these pix receive. Business in Argentina is up seven to eight per cent and in Brazil it has increased nine to 10 per cent, he said. The company will distribute 38 to 40 films in this territory this year, it was learned.

Headquarters of the company in Spain are being set up in Madrid. Hutchinson said that the Italian situation was in status quo. He said that the conventions which had been held in Rio de Janeiro and Trinidad, which were attended by President S. R. Kent, had been highly successful. Tremendous grosses for "Suez," the largest any single picture the company has handled in the Latin American territories has totaled, were reported by Hutchinson, who arrived from Trinidad on the Northern Prince.

W. Va. ITO to Hold First Convention in September

(Continued from Page 1)

exact date has not yet been set. President R. J. Hiehle has appointed as general chairman I. Danny Davis, who in turn has named the following convention committee: Mrs. C. P. Church, Mannington; Richard D. Marks, Clarksburg; George W. Sallows, Morgantown and Garland West, Buckhannon. A resolution has been passed by the ITO of West Virginia which makes any theater manager eligible for membership, whereby they have full rights at all meetings and may suggest methods and plans, but prohibiting their right to vote as only the theater owner members are permitted to do so. I. Danny Davis, secretary, has been authorized to start raising money for the next legislative campaign.

'Twas Denial Day

Published Coast reports that George J. Schaefer, RKO Radio's president, will set up headquarters permanently for himself and his staff in Hollywood were emphatically denied yesterday by him.

Washington Bur., THE FILM DAILY

Washington—Published reports that he was to assume charge of the D of J's West Coast industry investigation, succeeding Albert Law, were termed baseless yesterday by Seymour Krieger, Special Assistant to the Attorney-General.





TROPICAL

weather has no threat for M-G-M showmen who will play ROBERT TAYLOR, HEDY LAMARR in "LADY OF THE TROPICS"! M-G-M again to the rescue this summer as always!

Screen Play by Ben Hecht. Directed by Jack Conway. Produced by Sam Zimbalist

Patel to Build \$1,625,000 Studio and Lab. in India

Central Cinema Industries Will Produce for the World Market

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood—A. J. Patel, who is organizing Central Cinema Industries, Ltd., of India is here, purchasing equipment for a \$1,500,000 two-sound stage studio to be erected in Bombay and a modern air conditioned laboratory which will cost \$125,000 and have a capacity of 75,000 feet daily.

Laboratory will be opened before the end of the year while the studio will start operating next June. Western Electric equipment will be used in studio.

Patel's Co. will also produce 12 features and a series of scenic shorts, designed for the world market. He will also install scenario, art and research departments, which, he declared, have not been used to date by native producers although 200 features were made in India during the past 12 months.

In September, he will send six native technicians here to study Hollywood methods. He is on a six-months' trip and has already studied production methods in Germany, France and England.

Gibraltar Enterprises Denver Parley Aug. 4-7

Denver — Gibraltar Enterprises, Inc., has set its annual convention for August 4-7 in Denver. The group has 34 houses in Colorado, New Mexico, Wyoming and Nebraska. Charles R. Gilmour is president and the members include Ed Schulte, Casper, Wyo.; E. W. Ward, Silver City, N. M.; William Ostenberg, Scottsbluff, Neb.; John Greer and Nathan Salmon, Santa Fe, N. M.; Everett Cole, Alamosa, Colo.; and Thomas Murphy, Paton, N. M.

Mrs. Sarah Dubinsky Dead

Kansas City, Mo.—Mrs. Sarah Dubinsky, 73, mother of Barney, William and Irving Dubinsky, and Edward Durwood, brothers associated in the operation of the Dubinsky circuit of theaters, died at the Menorah Hospital, following an illness of six months. Besides the sons, Mrs. Dubinsky is survived by her husband, Simon Dubinsky, retired.

Feld In LeRoy Pix

West Coast Bureau of THE FILM DAILY

Hollywood—Fritz Feld, who has just completed an important part in "The Modern Cinderella," John M. Stahl production at Universal, has been signed to play a featured comedy lead in "A Day At The Circus," Mervyn LeRoy production starring the Marx Bros., at M-G-M.

Free Movies With Coffee and Free Autos With Films—That's Wisconsin Show Biz

Milwaukee, Wis.—Fox is advertising three Ford automobiles to be given away at its State, Sherman, Paradise, Riviera, Plaza, Layton Park, Shorewood and Downer Theaters here this week. Tie-up is with nabe merchants.

At La Crosse, the Wisconsin, Bijou, Riviera and Strand Theaters have tied up with the Nash Coffee Co., Minneapolis, whereby purchasers of Nash coffee between July 1-31 are being given free tickets with each pound to any of these theaters.

At Wausau, the Wausau Theater promoted a "giant auto festival" with \$1,500 worth of merchandise prizes given away on a Thursday and Friday night. Seven local automobile firms and garages sponsored.

WB Preparing 19 Stories for Four Topflight Stars

(Continued from Page 1)

studio's policy of working as far ahead as practical in order to insure adequate time for the preparation of scripts.

Stories pending for the personalities are as follows:

Bette Davis—"All This and Heaven Too," "Devotion," "The Miracle," "We Shall Meet Again" and "West of Frisco."

Errol Flynn—"The Sea Hawk," "The White Rajah," "Bolivar," "Captain Hornblower," and "The City of the Angels."

Edward G. Robinson—"The Life of Dr. Ehrlich," "Gusher," "Prince of Imposters," "Footsteps in the Dark," "Noon and Sixpence," "\$1,000 Window" and "The Sea Wolf."

James Cagney—"City of Iron Men" and "John Paul Jones."

Sprecher of Monopole Films in N. Y. C. on Buying Trip

Here on his annual product buying trip, Max Sprecher, managing director of Monopole Films, Rotterdam, Holland, stated yesterday he expected his organization to handle about 60 indie films in that territory this year. He hopes to acquire 30 pictures here on this trip.

Sprecher is making his headquarters during his two-week stay here at the New York office of J. H. Hoffberg. He said that the market for westerns had slumped, but that other types of action films were still popular. He handles some British and French films, but the bulk of his lineup is American product. He has the Monogram franchise for Holland.

Ind. TO at Golf Today

Chicago—Indiana Theater Owners Ass'n will play its annual golf tournament today at Lake Wauwassee convention. Tomorrow session will discuss many important trade problems, according to Maurie Rubin, state president.

Singer Closes In Iowa

Chicago—The Mort Singer circuit has closed the Capital theater, Marshalltown, Ia., for the summer months. Bill Dostal has been named district manager, at Marshalltown for the circuit.

Rep. Expansion Will Be Talked by Yates, Smith

(Continued from Page 1)

in for a sharp rise, but also in the foreign field. Immediate objective overseas is effectuation of a boost in the U. K. market which will be visited shortly by Herbert J. Yates, who sails from New York on July 25, ostensibly to assure a successful tour of England by Republic's Gene Autry.

It is known, however, since Republic's last stockholders' meeting that the company is embarking on foreign field expansion. Accordingly, Yates will confer with Sam Smith, head of British Lion, Republic's British ally, along this line.

Prior to Yates' departure, confabs are expected to be held at the home office between him, James R. Grainger, Moe Siegel and Sol Siegel. Latter pair are due in New York from the Coast early next week.

Also slated to play an important part in formulating and co-ordinating Republic's new season plans is Morris Goodman, company's foreign sales manager, who flies into New York today from Miami, following a 14-week Central and South American trek whose object was to fortify Republic in Pan-America for 1939-40.

Grainger leaves the home office shortly to visit Atlantic seaboard keys.

Neely Bill Menaces Press — Hoblitzelle

(Continued from Page 1)

regulation which could be extended to other fields such as the press, radio, fiction and magazine writing. Hoblitzelle made his statement in Washington while here on a visit.

Basing his objections to the Neely Bill mainly on Section Four calling for a synopsis he declared, "If the Federal Government can apply such restrictions to the creative art of motion picture production, there is every reason to believe that similar restrictions and censorship could be applied to the publication of newspapers and magazines and the broadcasting of radio program."

Ask Sandquist Bill Signing

Chicago—Many independent theater owners have wired Gov. Henry Horner, asking that he sign the Sandquist bill, passed by legislature holding film shows to two hours, 15 minutes.

U. S. GAINS THROUGH NEW FRENCH DECREE

(Continued from Page 1)

and assigned dubbing permits out of a base total of 188, but under a proviso for the new 12-month span, which is divided into two semesters, the Government has decreed that 12 more features will comprise a contingency bloc, which means that the U. S. may further benefit.

The contingency bloc is established in order that features considered of high merit will not have to be sidetracked when the 188 base features have been allotted permits.

Under the terms of the existing trade treaty between the U. S. and France, former's numerical product at any time during the life of the treaty cannot be less than that which existed at time of document's signing. Hence, the U. S. is sure to hold first position in France with respect to importations and dubbing permits until June 30, 1940, and will doubtless get fair share of the contingency bloc of 12 permits.

"U" Philly Exchange Ordered To Bargain With CIO Union

(Continued from Page 1)

America, Local No. 2, affiliated with the CIO.

The order issued by the Labor Board yesterday stated evidence disclosed that the CIO labor organization represented a majority of the office workers in July 1937 and at all times since.

Management of Universal Exchange refused to grant union representatives the opportunity to meet and discuss the possibilities of a collective bargaining contract, NLRB said. The board found the company did not attempt to determine whether the union represented the office employees, "but sought only to obstruct the union's efforts to bargain with them."

Universal was ordered to post notices for a period of 60 days stating that it will bargain with the union and within 10 days to notify the Philadelphia regional director of compliance with the order.

Warners In 5 Cent Dip

Milwaukee, Wis. — Warners has dipped prices a nickel at its Sheboygan and Rex theaters in Sheboygan, its Venetian and Rialto in Racine and its Gateway and Kenosha in Kenosha. New prices are two bits to 6 p.m. and 35 cents thereafter.

\$530,088 Educ. Assets

Current assets of Educational total \$530,088.64 against current liabilities of \$487,427.34. Cash on hand totals \$69,915.92. Figures are given in latest statement for the 26 weeks to March 31 last.

*What a thrill
for Broadway!*

The crowds get bigger!... the excitement 'round the Roxy mounts!
... and every day is a record day
that actually tops the one before!
Keep your eye on that 2nd Week!

SECOND FIDDLE

*The show that
licked the World's Fair!*

BLOCKS SETTING DATE FOR EQUITY TRIAL

(Continued from Page 1)

return from Washington in about two weeks to take the question up again with Knox, at which time, in all likelihood, the former will ask for a preferred position for the suit which would enable it to be reached in October.

If Williams cannot obtain trial at that time due to overcrowded calendar conditions in Federal Court, it is learned that a probable alternative will be the requesting of a trial hearing before a statutory court of three judges. If this move is initiated, the Court would appoint a referee to take testimony and report to the Court.

Objection raised to the statutory angle is that trial would not receive the publicity which a public hearing brings. The D of J, it is cited by observers, wants the public hearing.

The 20-day rule which Judge Knox invoked is known as Rule 8 for the Southern District of New York, and provides that this span of time must elapse after the answers of both plaintiff and defendant are in, and the Clerk has notified the Calendar Commissioner. Since no response has been made by the Government to the requests of Columbia and UA for a further bill of particulars, William's efforts to have trial set were unproductive.

Giveaways and Trade Code Before New York Allied

(Continued from Page 1)

on the Minneapolis national convention, and there has been keen speculation in trade quarters as to whether it will formally endorse the rejection of the Trade Practice Code. There have been ample indications that the New York unit—or a respectable percentage of its members—are critical of national Allied's policy.

Max A. Cohen, prexy, will preside. Cohen, Harry Kosch, attorney, and a large delegation of members from the Metropolitan area left New York last night for Syracuse.

WEDDING BELLS

Pittsburgh — Mort S. England, who with his brother Art handles the distribution of Bank Night and special film subjects in this territory, has announced his recent marriage to Miriam Kean of Philadelphia.

Ynez Drubin, daughter of Mabel Drew of the 20th-Fox publicity department, will be married Sunday to Julian D. Shear. Ceremony will be held at the Hotel Franklin Towers, N. Y. City.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twelfth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments is recommended.

Installment No. 12

Findings of Arbitrators: If the arbitrators find overbuying exists, they shall specifically decide the number of pictures which the exhibitor has overbought.

Remedy: The exhibitor who is found to be so overbought, shall be given a fourteen day period from the date of the arbitrators' decision, to obtain a release from his contracts of the excess number of pictures. If the exhibitor does not obtain such release, the arbitrators shall make an award apportioning among the distributors whose contracts he has, the number of features to be released by them to the complaining exhibitor.

Condition of Award: No award directing the distributors to release pictures to another exhibitor shall be made unless an assurance is given to each distributor that it will receive from the complaining exhibitor for the the pictures released, no lesser price and no less favorable terms than existed in the contract of the overbought exhibitor.

Cancellation Modified: Cancellation rights of an exhibitor who has been found to be overbought, shall be computed on the basis of the modified contract.

(4) **Price, Other Terms and Conditions:** Neither price nor other terms and conditions of a proposed contract shall be the subject of arbitration. They are to be determined only by mutual agreement between distributor and exhibitor.

XV. AGREEMENT TO ARBITRATE

Every one who signs the Code, agrees to arbitrate with anyone else who signs the Code, any dispute which is subject to arbitration under this Code or the Rules of Arbitration which are annexed.

Rules of Arbitration: The rules of arbitration annexed to the Code shall be followed in such arbitration procedure.

(Thirteenth installment will appear tomorrow).

Aaron Jones, J L & S Prexy, on Stand in Contempt Case

(Continued from Page 1)

contempt case hearing against B & K and the majors before Master in Chancery Eldredge, including J L & S efforts to obtain first-run films from Fox, Loew, Warner and other film companies. He said they could not make money, on either McKicker's, State Lake or Wood's Theaters until they made deal with B & K to operate McKicker's on a 50-50 basis. They gave up their lease on the State Lake, when B & K bought the building and sold their Wood's Theater lease to the Essaness Circuit.

Attorney Robert Goulding for B & K, brought out in his examination of Jones, that he estimated about 200 films annually were available for first-run exhibition.

John Jones followed his father on the stand and corroborated most of Aaron Jones' testimony. Robert O'Farrell, secretary-treasurer and counsel for 23 West Randolph Corp., Oriental Theater building owners, told about B & K 50-year lease of the house, when it was opened; how the lease was assigned to the Balaban Investment Corp. with \$1,000,000 capital, then it was turned over to Oriental Theater Corp., which defaulted on the lease when a rent reduction was refused; the matter being finally settled by the Oriental Theater Corp. paying \$10,000 and assigning all B & K equipment in the theater to the building company.

B & K originally leased the Oriental for \$324,000 annual rental,

Autumn Trials for Both Griffith, Momand Suits?

(Continued from Page 1)

bill of complaint will be filed within the next two weeks, slightly in advance of the time extension.

It is understood that U. S. District Attorney Charles E. Dierker has been meeting independent theater men who have alleged grievances against the Griffith companies.

Dierker has stated that his office will do everything within its power to secure speedy action in the case. The Government hopes to be able to start the trial by Fall when the Momand \$4,500,000 suits are set to be heard in the other U. S. District court here. Griffith companies, distributors and producers are defendants in the Momand action.

which was reduced to \$200,000 in 1935.

Sam Myers, independent theater owner, estimated about 100 first-run films were available each year and based his estimate of their standing by box office returns.

Emil Stern, Essaness prexy, backed up the testimony of Edwin Silverman, his partner, and also told about talks with George Schaefer and others to acquire films for their Loop theater. Robert Goulding and David Levinson, defense attorneys, cross-examined him, trying to ascertain how first-run films were picked.

Defense attorneys will cross-examine O'Farrell tomorrow.

SEE DOUBLE THREAT TO CIRCUITS IN WIS.

(Continued from Page 1)

to circuits operating four or more theaters, with the taxation sale ranging from \$4 to \$100; accumulated tax on gross income would run from \$4 to \$6.80 per \$1,000, with the maximum applicable to a circuit of 800 theaters.

Originally, the Omnibus Bill provided for an occupational tax; theater interests eliminated the menace through an amendment, 1-A.

Lansing, Mich.—In all probability, there will be no special session of the Michigan Legislature to consider finance measures, it was reported yesterday.

Don Lee Officials Warn on Questionable Tele Stock

West Coast Bureau of THE FILM DAILY

Hollywood—Thomas S. Lee and Lewis Allen Weiss, prexy and viceprexy of the Mutual Don Lee Broadcasting System in stating the firm has no stock for sale issued warning to the public against the purchase of "questionable" tele stock.

The Don Lee firm, it was stated, is not financially interested in the manufacture, sale or installation of tele receivers.

Don Lee tele cameras are being altered into 441-line for use at the new transmitter to be built atop Mt. Lee.

Exhibs. From 34 States Visit RKO Radio Lounge

Showmen from 34 States have been guests at RKO Radio's lounge, with New York State having the largest representation, 32.

Other States with a considerable representation are: Michigan, 16; Texas, 7; Maryland, 7; Illinois, 5; Kansas, 4; Ohio, 4. Twelve foreign countries are represented on the register.

Judell's PCC Moves

West Coast Bureau of THE FILM DAILY

Hollywood—Executive and producing staff of Producers Pictures Corp., recently organized by Ben N. Judell, has moved to 1436 North Beachwood Drive. Negotiations for stories and stars for the 1939-40 program are being concluded.

1,347 Tires as 'Take'

Orange, N. J.—Moe Kridel, manager of the Colonial, is wondering just how he is going to list one afternoon's "take" in his box office report for the year. There were 1,347 admissions via as many old tires, but they were not turned in through the box-office. The idea served a two-fold purpose. It got a lot of unsafe tires off the highways, and it will finance two weeks' vacation at camp for several boys from the nearby YMCA.

MOVIES
NEWSLETTER

from **THE MARCH OF TIME**

Letter #12

To: ALL FIRST RUN THEATRES
From: MOT's Adv. & Pub. Dept.

To: ALL FIRST RUN THEATRES
From: MOT's Adv. & Pub. Dept.

First prints of the new MOT - "THE MOVIES MARCH ON!" - were screened today in the New York Home offices...

...and enthusiasm for this film from both the Theatre and all the picture companies prompts this rush 1

...film that it goes in

First prints of the new MOT - "THE MOVIES MARCH ON"
in the New York Home offices...

Spontaneous response and enthusiasm for this film from both the Theatre and
Distribution departments of all the picture companies prompts this rush letter.

the Radio City Music Hall about the film that it goes in
publicity campaign!

*
*

Spontaneous response and enthusiasm for this film in the New York Home Office.

Distribution departments of all the picture companies prompt.

So excited was the Radio City Music Hall about the film that it goes in tomorrow - with a feature publicity campaign!

* * * * *

*
--and here is what it is - the greatest
moments of the greatest films ever made...

---and here is what it is - the greatest moments of the greatest films ever made...

STORY:....."the movies" - yesterday, today and tomorrow...how they grew in 40 years to become the fifth greatest U.S. industry and the most powerful medium of expression in the world today.

then 30 of them...Mary Pickford and Lionel
William S. Hart (The Fugitive);
Theda Bara
Carbo &

ments of the
TORY:....."the movies" - yesterday
grew in 40 years to become the
and the most powerful medium of expression in
STARS:.....there are more than 30 of them...Mary Pickford and Lionel
Barrymore (The New York Hat); William S. Hart (The Fugitive);
Charlie Chaplin and Ben Turpin (A Night Out); Theda Bara
(A Fool There Was); Rudolf Valentino (Four Horsemen); Garbo &
Gilbert (Flesh and the Devil); Renee Adoree, John Gilbert,
Karl Dane (The Big Parade); Al Jolson (The Jazz Singer);
Will Rogers (David Harum); Paul Muni (Zola)...and others.
that the 20 minutes seem like 6.

ACTION:.....so swift-moving that the 20 minutes seem like 6.
all the laughs of the old-time "flickers".
dramatic moments of the

ACTION:.....so swift-moving that the
COMEDY:.....all the laughs of the old-time "flickers".
.....the most memorable and dramatic moments of the screen's
....."Flesh and the Devil"

COMEDY:.....all the time
DRAMA:.....the most memorable and dramatic
history recaptured.
the Garbo-Gilbert kiss in "Flesh and the Devil".

ROMANCE:.....scenes like the Garbo-Gilder
that of 24 features all packed into one.

ENTERTAINMENT:..that of 24 features all packed in
OFFICE!...WELL, SEE IT and you'll SELL IT!

features all packed in
BOXOFFICE!....WELL, SEE IT and you'll SELL IT!



THE MARCH OF TIME

PRODUCED BY THE EDITORS OF TIME





REVIEWS OF THE NEW FILMS



"Stronger Than Desire"

M-G-M

80 Mins.

REMAKE OF OLD PLAY "EVELYN PRENTICE" JUST FAIR ENTERTAINMENT.

This is a remake of "Evelyn Prentice" produced five years ago. It has not improved with age, for even five years ago this plot was old and worn. It is the drama of the wife who started to stray because she was lonesome, and when the cad held her up in a blackmailing way for her foolish but innocent letters, she kills him. That is, she thinks she has killed him but it turns out as a last minute surprise in the court trial scene that another woman came along right after she left the blackmailer, and fired the shot that took the scoundrel out of the world where he couldn't blackmail any more foolish wives whose husbands had money. Virginia Bruce is charming as the wife, and she wears beautiful gowns and makes her hackneyed role sound almost believable. Walter Pidgeon as her husband who is also the great trial lawyer who is defending the other woman as the murderer learns that it is his wife who fired the first shot, and has to readjust his tactics quickly to the surprising development. But the wife insists on admitting her guilt, and then her husband cleverly shows through the testimony of the dead man's wife that she fired a second shot that did the trick. It is all pretty stilted murder plot of the old days that will be hard to register with modern audiences. Pidgeon gives a sincere and natural performance, and Lee Bowman as the woman-chaser is excellent.

CAST: Virginia Bruce, Walter Pidgeon, Lee Bowman, Ann Dvorak, Ilka Chase, Rita Johnson, Richard Lane, Ann Todd, Paul Stanton, Ferike Boros.

CREDITS: Producer, John W. Considine, Jr.; Director, Leslie Fenton; Author, W. E. Woodward; Screenplay, David Hertz, William Ludwig; Cameraman, William Daniels; Editor, W. Don Hayes.

DIRECTION, Fair. PHOTOGRAPHY, Good.

Life to Build Another

Washington Bureau of THE FILM DAILY

Washington — A new 1,000-seat film house to be constructed by the Life Amusement Co. at Naylor Road, Good Hope Road and 25th St. S.E., it is announced by C. H. Olive, who recently disclosed plans for a new theater for Massachusetts Ave. Company operates the Atlas.

Kaplan Sells Two

Cleveland—Meyer Kaplan has sold his Savoy and Superior Theaters, this city, to Ben Cohen of Pittsburgh. Kaplan will continue to buy and book for the houses and he retains ownership of the Crown.

Commercial Pix In Spurt

Detroit—Production in local commercial studios has taken a decided spurt. All three studios — Jam Handy, Industrial Pictures, and Wilding Picture Productions, are busy shooting.

"Bulldog Drummond's Bride"

with John Howard, Heather Angel, H. B. Warner

Paramount

55 Mins.

(HOLLYWOOD PREVIEW)

PLEASE ADDITION TO THE BULLDOG DRUMMOND SERIES SHOULD DO OKAY AT B.O.

Another of the "Bulldog Drummond" series with Drummond getting the menace in the end. The production by Stuart Walker and direction by James Hogan were handled with good judgment. John Howard (Capt. Hugh C. Drummond) gives his usual smooth performance, as do Heather Angel as Phyllis Clavering, H. B. Warner as Colonel Nielson, Reginald Denny as Algy Longworth, E. E. Clive as Tenny, Eduardo Ciannelli, a new member in the series, does a fine acting job as the menace. Others in the cast who do nice work are Elizabeth Patterson, Gerald Hamer, John Sutton, Neil Fitzgerald, Louis Mercier, Adia Kuznetsoff and Adrienne D'Ambricourt. The screenplay by Stuart Palmer and Garnett Weston, based on "Bulldog Drummond and the Oriental Mind," by H. C. (Sapper) McNeile, was handled in a good manner. Edwards blows up a bank in broad daylight and gets away with £10,000. He, with his aide, Gerald Hamer, hide the money in a radio and as it would happen, the radio is in the new apartment of Heather and Howard, who are to be married. A number of events take place, some with slapstick comedy that lead up to the capture of Eduardo, and in the end, the marriage of Heather and Howard.

CAST: John Howard, Heather Angel, H. B. Warner, Reginald Denny, E. E. Clive, Elizabeth Patterson, Eduardo Ciannelli, Gerald Hamer, John Sutton, Neil Fitzgerald, Louis Mercier, Adia Kuznetsoff, Adrienne D'Ambricourt.

CREDITS: Associate Producer, Stuart Walker; Director, James Hogan; Based on "Bulldog Drummond and the Oriental Mind," by H. C. (Sapper) McNeile; Screenplay, Stuart Palmer, Garnett Weston; Cameraman, Harry Fischbeck, ASC; Art Directors, Hans Dreier, Franz Bachelin; Editor, Chandler House.

DIRECTION, Good. PHOTOGRAPHY, Good.

Tex Fletcher In P. A.'s

New Haven—Loew's, Inc., have booked Tex Fletcher in personal appearances at the Poli, Waterbury; Plaza, Worcester; Palace, Meriden; Bijou, New Haven, and Globe, Bridgeport, beginning Tuesday in conjunction with the playing of Grand National's "Six-Gun Rhythm."

Great States Closes Two

Chicago—The Belasco Theater at Quincy, the Rialto at Waukegan and the Fox Theater at Aurora have been closed for the Summer season, by the Great States circuit.

Warner Shuttters One

Mansfield, O.—The Majestic, one of three theaters operated here by Warners has been shuttered for the

"The Forgotten Woman"

with Sigrid Gurie, William Lundigan, Eve Arden

Universal

63 Mins.

(HOLLYWOOD PREVIEW)

TEAR-JERKER WITH SIGRID GURIE IN HEAVY DRAMATIC ROLE SHOULD PLEASE FEMMES.

A tear-jerker which gives Sigrid Gurie a chance to do some heavy dramatic work. This picture produced by Edmund Grainger and directed by Harold Young should please the feminine audience. Young has handled the offering in a very convincing manner. The screenplay, by Lionel Houser and Harold Buchman, was based on an original story by John Kobler. A young couple, Sigrid Gurie, and her husband, William Lundigan, advertise for another couple to share expenses to go to Florida. The ad is answered by two gangsters unknown to the couple. The gangsters hold up a warehouse and in the forced escape, Lundigan, an innocent victim, is killed in an auto crash. The gangsters make their getaway, but Sigrid is captured and held as an accomplice. Her story seems very fantastic and she is convicted by the district attorney, Donald Briggs, on circumstantial evidence. Her child is born in prison. One of the gangsters is slain and before he dies he makes a confession to the district attorney's aide. When Briggs finds out about the injustice to Sigrid, he goes to the orphanage in which the child has been placed and adopts the youngster. The child is injured in an accident, and Sigrid and Briggs discover that they are in love with each other. Eve Arden, Elizabeth Risdon, Paul Harvey and Ray Walker are among the supporting cast who do nice work. The photography by Stanley Cortez is high-grade, and the sets by Jack Otterson are worthy of mention.

CAST: Sigrid Gurie, William Lundigan, Eve Arden, Donald Briggs, Donnie Dunagan, Elizabeth Risdon, Paul Harvey, Ray Walker, Virginia Brissac, Joseph Downing, Norman Willis, George Walcott.

CREDITS: Associate Producer, Edmund Grainger; Director, Harold Young; Author, John Kobler; Screenplay, Lionel Houser and Harold Buchman; Cameraman, Stanley Cortez; Art Director, Jack Otterson; Associate, John Ewing; Editor, Charles Maynard; Musical Director, Charles Previn.

DIRECTION, Convincing. PHOTOGRAPHY, Good.

Televisuals Registered

Audio Productions, Inc., has registered the trade-name Televisuals to describe a new series of commercial motion pictures now being made for television purposes through arrangement with the American Television Corp.

Schlenger Funeral Held

Newark, N. J.—Funeral services were held Tuesday for Sigmund Schlenger, 66, who for many years operated movie houses here. Death, which occurred July 2, was caused by pneumonia. He leaves his wife, a son and four daughters.

"Stunt Pilot"

with John Trent, Marjorie Reynolds, Milburn Stone

Monogram

63 Mins.

(HOLLYWOOD PREVIEW)

SECOND "TAILSPIN TOMMY" SHOULD DO WELL IN HOUSES CATERING TO ACTION FANS.

"Stunt Pilot," the second in the series of "Tailspin Tommy" series which Paul Malvern is producing for Monogram, should do well in the houses that play to the audiences that like action. It has sufficient amount of thrills and action, and the suspense is maintained throughout by director, George Waggner. Scott Darling and Joseph West wrote the screenplay based on the comic strip "Tailspin Tommy." The photography by Fred Jackman, Jr., is very effective. John Trent has a likeable personality and his portrayal of Tailspin Tommy is convincing. The story deals with the trials of John Trent, a stunt pilot, when a moving picture company uses the airport for the filming of a picture. George Meeker, a stunt pilot, is murdered in the air by someone who replaces the blanks in the machine gun with real bullets. Trent is suspected of the murder, because of a fight he had with the victim. Buddy Cox, the youngster, unknowingly photographed the murderer in the act of placing the real bullets in the gun, and these pictures prove the innocence of Trent. Pat O'Malley, the director, is found to be the murderer. He sought to get revenge on Meeker, because he stole the affections of his wife and then deserted her. Marjorie Reynolds is decorative as the sweetheart of Trent, employed as a hostess, Buddy Cox, as the youngster, turns in a good performance while Milburn Stone, Jason Robards, Wesley Barry, George Cleveland, Mary Fields and Charles Morton turn in capable performances in supporting roles. Paul Malvern did a noteworthy job as the producer of the picture.

CAST: John Trent, Marjorie Reynolds, Milburn Stone, Jason Robards, Pat O'Malley, George Meeker, Wesley Barry, George Cleveland, Johnny Day, Charles Morton, Mary Fields, Buddy Cox.

CREDITS: Executive Producer, Scott R. Dunlap; Producer, Paul Malvern; Director, George Waggner; Based on "Tailspin Tommy" newspaper strip; Screenplay, Scott Darling, Joseph West; Cameraman, Fred Jackman, Jr.; Editor, Carl Pierson.

DIRECTION, Good. PHOTOGRAPHY, Good.

Lipscomb Moves to Para.

West Coast Bureau of THE FILM DAILY

Hollywood—W. P. Lipscomb is at Paramount to write the screenplay of "Safari." Picture will be produced by Anthony Veiller and will co-feature Joel McCrea and Madeleine Carroll and will be directed by Edward H. Griffith. Lipscomb recently completed the screenplay of "I Had a Comrade" at M-G-M.

Bugie Twins Dead

Cincinnati — Mrs. Levitt Bugie, wife of the 20th-Fox representative, is seriously ill following the death of twin daughters born prematurely.

REVIEWS OF THE NEW FILMS

"Black Limelight"

with Raymond Massey, Joan Marion
Alliart Films 63 Mins.

ALARMING MURDER MYSTERY INTELLIGENTLY DIRECTED AND ACTED CARRIES FINE SUSPENSE.

A very absorbing murder mystery intelligently plotted with some surprise twists and an abundance of suspense. It is competently acted by the entire cast, especially in the work of Joan Marion, whose role outshines that of Raymond Massey, who plays the part of her husband. A murder of a girl at a beach bungalow occurs, and the evidence all points strongly to Massey, who has disappeared right after the crime. Even the wife is almost convinced that he is guilty, yet she loyally sticks by him. When he sneaks back to their home, she hides him. Meanwhile it develops gradually that there is a very sinister side to the affair with other murders all done under the same circumstances of a full moon. The wife cleverly pieces wisps of evidence together to pin the crimes on her attorney, and it works up to some great suspense as the criminal tries to do away with her to conceal his other crimes. Selling angles: swell murder mystery; the killer working under moon-madness.

CAST: Raymond Massey, Joan Marion, Walter Hudd, Henry Oscar, Elliot Mason, Dan Tobin, Coral Brown, Leslie Brady, Dian Beaumont.

CREDITS: Director, Walter Mycroft; Author, Dudley Leslie; Screenplay, same; Cameraman, Claude Friese-Greene.

DIRECTION, Excellent. PHOTOGRAPHY, Fine.

Expect Ascap Confabs Soon On Establishing Tele Rights

It is expected that Ascap will soon hold conferences with broadcasting companies—RCA-NBC, CBS, Don Lee and others—on establishing its rights to music used in television performances. First conference is expected soon after the National Association of Broadcasters' convention.

At a recent luncheon tendered Ascap officials by Lenox R. Lohr, president of NBC, the Ascap execs. expressed the opinion that tele had shown great advances in recent months and that reception was now at a high peak.

Ascap will again meet with the negotiating committee of the NAB copyright group this afternoon—the final confab before the negotiators report to the full NAB committee on Sunday.

Scott Adds Fifteenth

Pittsburgh—Vernon F. Scott, of the Ideal Amusement Co., has added the Rosy Theater, Clearfield, to his chain of houses, which now numbers fifteen in the Western Pennsylvania territory.

Bundsman for NBC Tele

Anton Bundsman, stage and screen director, has been added to NBC's television staff.

★ SHORTS ★

"The Movies March On" (March of Time)

RKO Radio 19 mins.
Strong Audience Picture

Very fine presentation of the history of the motion picture industry in Hollywood as seen through clips from important productions down through the years. The film should prove very entertaining to all types of patrons, for it carries a lot of sentiment in the depiction of old favorites in their classic pictures. It has the earmarks of a plug for the industry in general, but that is all right, too, for there are millions of fans deeply interested in the subject matter. There is also a plug for the Museum of Modern Art Film Library, and the film cleverly contrives to build its contents around the activities of the organization by showing film cans labeled with the name of the picture and the name of the library before the various shots are reproduced. Then there are presentations of industry leaders, oldtimers who were pioneers and are still active in production in Hollywood, such as Harry Warner, Jack Warner, Cecil B. DeMille, Walt Disney, Mack Sennett, Charlie Chaplin, Darryl Zanuck, George Schaefer. Also presented are Will Hays and Joe Breen. The oldtime shots of the early silent favorites will go great with all the elder generation. Such as "The Great Train Robbery," Mary Pickford in "The New York Hat," Bill Hart in "The Fugitive," Charlie Chaplin and Mabel Normand in "Tillie's Punctured Romance," Lillian Gish in "Birth of A Nation," Theda Bara in "A Fool There Was," Mary Garden in "Thais," Doug Fairbanks in "Robin Hood." Other old favorites seen are Valentino, Greta Garbo, John Gilbert, Renee Adoree. So much for the outstanding silents. Then into the talkies, starting with a scene from "The Jazz Singer" with Jolson singing "Mammy." Then "All Quiet On the Western Front" showing application of the new sound technique to a war spectacle. Will Rogers, Paul Muni in "Zola," and then into the current productions, showing the modern trend. Then come the industry execs. previously noted, all done with fine editing and crisp presentation, so that the film moves very fast. It is the sort of reel the public will talk about, for it recalls a lot of old favorites in their standouts that are seldom available today for screen presentation.

"Death Valley Thrills"

(Grantland Rice Sportlight)
Paramount 10 mins.
One of Year's Best

Theaters should go out of any accustomed way to grab this short which is easily one of the most

unique of the current season,—or any other. Producer Jack Eaton has taken a camera crew into California's Death Valley and filmed the Wilhelm Brothers and their magnificent police dog who dwell together in hot, lonely, but withal picturesque wastes of this desert area. The trio go riding in a car which the ingenious Wilhelms have built for tough desert driving, and Detroit's automobile manufacturers could take a profitable lesson from the Death Valley boys on how to make a car durable. It has to be, for it does what no other automobile could do, and even the spectacular plunge of the runaway car over a cliff fails to put it out of commission. The car serves as a tow for aquaplaning on dry lakes, as well as a transport for skiing on sandy slopes. Footage is loaded with laughs plus thrills, and is enhanced by Ted Husing's excellent narration. This is a "must book" attraction, since it will delight patrons everywhere.

"How to Eat" (Robert Benchley)

M-G-M 10 mins.
Very Funny

The current topic discussed by Benchley is how various emotions affect one's eating and digestion. He illustrates the lecture personally, showing the man Benchley under the emotion of being informed that he is going to lose his job just as he sits down to a beautiful dinner of spaghetti. Then the emotion of love, and how the man Benchley sits

staring solemnly at his inamorata, unable to touch a mouthful of delicious food at a night club. Then Benchley discusses the art of eating in bed, and finally gives it up as something that only women can do gracefully. Then the picnic problem with food, and finally the banquet where he expects to be called upon to speak, and that kills his appetite.

"A-Hunting We Will Go" (Walter Lantz Cartune)

Universal 11-13 mins.
Diverting Reel

Shortly after climbing into bed in his diminutive cabin, Little Eight Ball, Walter Lantz' new and appealing cartoon character who is a little Negro boy, receives a visit from a baby ghost to whom he avers that he is not the least bit frightened. Whereupon the baby ghost transports him to a haunted mill where the adult ghosts, informed that Little Eight Ball is impervious to fright in the best fashion of modern children who don't believe in ghosts, put their visitor through a test, at the end of which Little Eight Ball is certainly scared, but steadfastly will not admit it. The Lantz character bids fair to become a future institution in pix houses. This short is diverting and well fashioned.

Filmarte Books Re-opener

Filmarte Theater will reopen for the season early in the Fall with "The End of a Day," French film, which will be distributed in this country by Juno Films.

What were you

YESTERDAY

What are you

TODAY

What will you be

TOMORROW

HOWDY, PARD!

There's more to
this business
than meets the
eye —

The **NATIONAL SCREEN TRAILER** running in advance of your show is the only medium of advertising that gives you that double selling-punch!

For, while newspapers, magazines and posters **MAY** be seen by your customers—how can you tell *how many*?

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But — with NATIONAL SCREEN TRAILERS on your screen — you are CERTAIN that your customers SEE and HEAR your sales message.

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That's what makes **NATIONAL SCREEN TRAILERS** the cheapest, most effective, most consistent advertising you can buy!

NATIONAL
Screen
SERVICE

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M 12 12 & 12
2 12 W 4 4 TH ST
N Y C

FILE COPY
DO NOT REMOVE

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 4

NEW YORK, FRIDAY, JULY 7, 1939

TEN CENTS

20th-Fox to Boost Budget for 1939-40 10%—Wobber \$10,000,000 IN SHORTS AVAILABLE FOR SCHOOLS Three Amendments to Neely Bill as Senate Vote Nears

Bill Due to Come Up for
Debate and Vote At
Noon Today

Washington Bureau of THE FILM DAILY
Washington—After obtaining Senate consideration of his block-booking bill late yesterday afternoon, Senator Matthew M. Neely yielded the floor for other matters and the measure went over until today at 12 noon when it is again due to come up for debate and vote.
Neely obtained consideration around 4 P.M. but, announced he would not seek to force a vote yesterday. He said his only concern was to be sure that the bill was before the Senate today. "I am certain that it would be impossible to
(Continued on Page 6)

BRITISH PRODUCTION STAGING COME-BACK

London (By Cable)—British production, fighting gallantly to stage a come-back, is making progress, a checkup showing more than 50 pix either in production or active preparation.
Associated British has three; Alexander Korda Film Productions
(Continued on Page 6)

Expect Equity Will Move Suddenly in Tele Field

Pending the decision to be handed down by the AAAA fixing jurisdiction in the television field, Actors' Equity is quietly formulating plans for organization of the field and is also planning to wage a finish fight
(Continued on Page 6)

"Five Came Back" Breaks Rialto's Summer Records

"Five Came Back" in its second day at the Rialto Theater, broke all summer box-office records for a single day for that house. In order to handle the crowds, the theater
(Continued on Page 6)

Editorial

Shortage of Quality Product? ... don't sell Hollywood short!

By CHESTER B. BAHN

MUCH—far, far too much, in fact—has been said in recent weeks by exhibs. and others about the paucity of quality pix.
Indeed, to listen to some gents, Hollywood for a period of months has concentrated on the production of palookas, and the results may be read in red ink in house ledgers up and down and across the 48 States.
It's always the easiest way to blame it on Hollywood, and there are plenty of times, of course, when Hollywood distinctly is to blame. Yet to attribute the Spring dip in b.o. patronage to the studios' shortcomings and to assert—as many have—that top grade
(Continued on Page 4)

"SELF-REGULATION" SEEN ENDING GAMES

Gradual abandonment of games in New York City film houses via a program of self-regulation is in prospect, it was disclosed yesterday. Current plan of circuits and opera-
(Continued on Page 4)

Elmore Scotches Report He's Here on Equity Suit

Special Assistant U. S. Attorney General Frank H. Elmore, who arrived in New York on Wednesday
(Continued on Page 4)

1939-40 PIX LINEUP REVISED BY REPUBLIC

Republic has materially revamped its 1939-40 production lineup, it was learned yesterday.
Now in the de luxe group are "Hit Parade of 1940," "Lady from New Orleans," "Seven Million Dol-
(Continued on Page 6)

Will Thresh Out Up-state Clearance Tangle Tuesday

Clearance situation, which has been target of upstate New York exhibs., will be further threshed
(Continued on Page 6)

20-Fox Biz 15% Ahead, Says Wobber; Company Refuses Films for Television

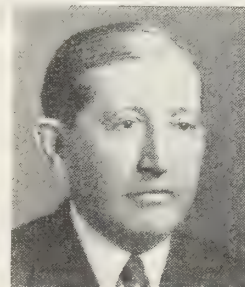
Tell of Inability to Get Pix at Chicago Contempt Trial

Chicago—At yesterday's morning session of Government's contempt case against B & K and the major film companies, Val Costello, manager of the Oriental Theater building, described his efforts to obtain films and their failure. Robert Far-
(Continued on Page 6)

"Sure in the knowledge that we have the greatest product lineup in our history and confident of the future, our company will increase its budget 10 per cent above the figure originally planned for the 1939-40 program," Herman Wobber, distribution chieftain, told THE FILM DAILY yesterday when he returned from the Coast.
Reported company business as be-
(Continued on Page 4)

590 to be Used in 3-Year Experiment, Will Hays Tells the NEA

San Francisco—Five hundred and ninety non-current sound shorts, representing a production cost in excess of \$10,000,000, are being made available—the majority immediately—to American schools for classroom use by seven affiliates of the MPPDA, it was disclosed here last night by
(Continued on Page 4)



WILL H. HAYS

610 PROJECTORS USED BY CHICAGO SCHOOLS

By JOSEPH ESLER
FILM DAILY Staff Correspondent
Chicago—Indicative of the possibilities in the educational pix field, which has been and is receiving the attention of the MPPDA Advisory Committee on the Use of Motion
(Continued on Page 6)

Further RKO Plan Appeal Won't Block Consummation

A hearing on the RKO reorg. plan was postponed yesterday by Federal Judge William Bondy to July 20 on the request of Col. Hamilton C.
(Continued on Page 6)

Meeting of New York Allied Held Behind Closed Doors

Syracuse — Following an all-day meeting here at the Hotel Syracuse, the New York Allied huddle broke
(Continued on Page 6)

THE Film DAILY
 ALL THE NEWS
 OF FILM DOM

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL
NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)	8 3/8	8 3/8	8 3/8	— 1/8
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	10	9 3/4	10	+ 3/4
East. Kodak	164	163	164	+ 2 3/8
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	41 3/4	41 1/2	41 3/4	— 1/4
do pfd.				
Paramount	8 1/2	8 3/8	8 1/2	+ 1/8
Paramount 1st pfd.	93	92	92	+ 1 1/2
Paramount 2nd pfd.				
Pathe Film	9 1/2	9	9 1/2	+ 1/4
RKO	1 1/8	1 1/2	1 1/2	— 1/8
20th Century-Fox	19	18 1/2	18 1/2	+ 1/4
20th Century-Fox pfd.				
Univ. Picts. pfd.				
Warner Bros.	4 1/4	4 1/4	4 1/4	+ 1/8
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100	99 7/8	100	+ 1/8
Loew's deb. 3 1/2s46	102 1/2	102 1/2	102 1/2	—
Para. B'way 3s55	50 1/8	50	50	— 4
Para. Picts. 6s55	100 1/8	100 1/4	100 1/4	— 3/4
Para. Picts. cv. 3 1/4s47	88 1/4	87 1/2	88 1/4	
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	89 1/4	89	89 1/4	+ 1 1/4

NEW YORK CURB MARKET

Monogram Picts.	1 1/2	1 1/2	1 1/2	
Sonotone Corp.				
Technicolor	15	14 3/4	15	+ 1/8
Trans-Lux	1 1/8	1 1/8	1 1/8	
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 1/2	5
Loew's Thea. Realty 6s 1st '47	99 1/2	101 1/4
Met. Playhouse, Inc. 2nd deb. '45	68	70
Roxy Thea. Bldg. 4s 1st '57	65 7/8	67 7/8

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New York City
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SECURITY
ALONG THE

WITH PHIL M. DALY

● ● ● COCKTAIL party in the membership penthouse of the Museum of Modern Art on West 53rd Street.....in celebration of one of the finest plugs for the film industry that has ever been put into a can of film.....the March of Time current release, "The Movies March On".....which dramatizes the highlights of the industry smash productions for the past forty years.....opening at the Music Hall today.....

● ● ● IN THAT gorgeous penthouse while seated on the outer veranda.....we renewed old acquaintances with film mugs, slapped Nelson Rockefeller on the back and called him "pal-ole-pal".....and Nelson slapped us on the back when we told him our middle name was Nelson, but that we earned it, being descended legitimately from the guy Admiral Nelson whose statute adorns a square in dear ole Lunnon.....

● ● ● IT WAS a swell party.....the film was so good and so many people wanted to see it that they had to show it twice.....we have already given it a column review, and no short subject has received that in this paper in ages.....among the distinguished guests we counted.....Raymond Massey, Mary Robson, Mr. and Mrs. Jimmy Ellison, Lynn Farnol, Mrs. Lela Rogers, Jack Pegler, Lillian Gish, Nelson Rockefeller, Bill German, Ned Depinet, Jules Levy.....Fred "Liberty" Smith, Cresson Smith, S. Barret McCormick, Harry Michalson, A. P. Waxman, Larry Reid, Harry Blair, Roy Larsen, Dorothy Masters.....Elizabeth Lockwood, Bob Wolff, Frank Nugent, Tom Pryor, Arthur Mayer, Eileen Creelman, Gus Eysell.....

Blumenstock to Confer With Einfeld on Coast

Mort Blumenstock, in charge of advertising and publicity in the East for Warner Bros. leaves for the Coast today for conferences with Charles Einfeld, Director of Advertising and Publicity, on merchandising plans for forthcoming productions. Blumenstock will be away about three weeks.

Whitney Flies to Coast

John Hay Whitney, board chairman of Selznick International, arrives on the Coast this morning by plane to look over the finished work on "Gone With The Wind" and confer with David O. Selznick. He expects to return here in about a week.

Hacker in C P A Field

Sam Hacker, who has been connected with the industry for 10 years, has entered the practice of public accounting, in association with Henry H. Ackerman & Co., CPA, 21 West St. Hacker will specialize in the motion picture industry. Until recently, he was assistant to Morris Goodman, vice-president in charge of foreign sales at Republic.

B & K Keeping "Dr. I. Q."

Chicago — "Dr. I. Q." Monday broadcasts from the B & K Chicago Theater for Mars Candy have been extended for a third time with period to Aug. 21 covered.

COMING AND GOING

HERMAN WOBBER, general manager of distribution for 20th-Fox, arrived in New York yesterday afternoon from the Coast via United Airlines.

JOHN HAY WHITNEY, chairman of the board of S-I, arrived on the Coast this morning by plane.

MORT BLUMENSTOCK entrains today the Coast to huddle with Charles Einfeld.

HAL B. WALLIS and MRS. WALLIS (Louise Fazenda) arrive on the Normandie Monday from Europe.

CONSTANCE BENNETT, prior to sailing next Wednesday for Europe, is stopping at the Towers of the Waldorf-Astoria.

WILLIAM CAMERON MENZIES, film director, is en route to New York from Hollywood and is scheduled to sail for Europe on the Normandie on Wednesday.

PEDRO SAENZ, president of Cia. Cubana de Peliculas, S.A., who attended the recent RKO convention as delegate from Cuba, has sailed for Havana, accompanied by MRS. SAENZ and PEDRO, JR.

FRANK CALVIN, research expert for Cecil B. DeMille, has arrived in Regina, Sask., Canada, to gather material for DeMille feature tentatively titled, "Royal Canadian Mounted."

DANIEL J. TOBIN, vice-president of A F of L, arrived in New York yesterday from Europe, accompanied by MRS. TOBIN.

ERROL FLYNN, film star, will journey to London late this Summer to star in Warners' "Captain Horatio Hornblower."

LIEUT. BEN FELDMAN, of the Illinois National Guard and manager of the UA Theater in Chicago for B & K, is with the U. S. Army Summer training camp at Camp McCoy, Wis.

BERTRAM BLOCK, story editor for Samuel Goldwyn; FRANK PARKER and NORMAN REILLY RAINE, Warner writer, flew to the Coast last night.

JOHN W. CONSIDINE, JR., MILTON L. MILLER, PHILIP RAPP, HUGO BUTLER, and DORE SCHARY, of M-G-M's Coast studios, are stopping at the Sherry-Netherland.

SYLVAN GOLDFINGER, former manager of B & K Garrick Theater, Chicago, has returned there following a trip to Hollywood and will announce his new connection shortly.

WILLIAM SAROYAN, playwright, arrives in New York on Monday aboard the Normandie, having cut short his visit in Ireland.

VICTOR PAYNE-JENNINGS, producer, leaves New York on Wednesday for Europe.

CHARLES K. FREEMAN, producer of the Federal Theater's "Life and Death of an American," sailed from New York yesterday on the Ile de France for a three-month study of the theater and films in England, France, Russia and Switzerland.

PHILIP BARRY has left New York for New England where he will work on a new play for Autumn presentation.

JAMES V. BOYLE, of RKO Radio's publicity department, leaves New York on the week-end for a two-week vacation in Lexington, N. Y.

HAL NORFLEET, Republic publicist for the Dallas territory, is in New York for a three-week vacation.

THE THEATRE

"Roars of Pleasure"—Atkinson, Times.

WHAT A LIFE

with EZRA STONE as Henry Aldrich
MANSFIELD, W. 47th St. Mats. Wed.
and Sat.
Circle 6-0640

"A MUST GO ENJOY IT."—

Walter Winchell
GYPSY ROSE LEE Comedy Farce
with Music

I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN
Air-Conditioned, and JACK WHITE
Vanderbilt, W. 48th St. Evs. 8:40
Mats. Wed. & Sat.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 7
Ricardo Cortez Jackie Searl
George Cukor Raymond Hatton
Richard Carle
JULY 8
Eugene Pallette Bradley King
Lon Young
JULY 9
Claude C. Ezell Al Steen
Ralph Wilk Frank Namczy

"CHIPS"!

Those who are about to play M-G-M's "Goodbye Mr. Chips" will be interested in the early extended run record of this superb picture and will wish to adjust their booking schedules to allow for additional time. Extended engagements thus far:

New York . . .	8th week	Indianapolis . . .	2 weeks
Los Angeles . . .	7th week	New Orleans . . .	2 weeks
Cleveland . . .	4 weeks	Chicago . . .	Indefinite run
Dayton	2 weeks	San Francisco	Indefinite run
Cincinnati . . .	2 weeks	Seattle . . .	Indefinite run
Columbus	2 weeks	Worcester . . .	2 weeks
Pittsburgh	2 weeks	Boston	4 weeks
Toledo	2 weeks	(Playing day-and-date at State & Orpheum; held over 2nd week in both spots)	

THE FRIENDLY COMPANY

590 SHORTS AVAILABLE FOR SCHOOLS IN U. S.

(Continued from Page 1)

Will H. Hays, MPPDA prexy, in an address delivered before the National Education Association convention.

Distribution of the shorts on 16 mm. film for an experimental period of three years will be supervised by the newly incorporated Teaching Film Custodians, trustees of which are Willard E. Givens, NEA executive secretary; Dr. James R. Angell, president emeritus of Yale, and Carl E. Milliken, MPTOA secretary. Actively in charge will be Roger Albright, assistant to the director of the Hays Office community service department, whose services are being loaned to the TFC.

"The business rights of exhibitors have been duly safeguarded," Hays declared in the course of his discourse on "The Motion Picture in Education."

"The committees and educational groups with which we have worked out these plans have assured us that all of the non-current theatrical short subjects which we have placed at their disposal will be used exclusively for bona fide educational purposes during school hours and that no admissions in any form will be charged to those who see them."

Shorts Are Year or More Old

Producers making shorts one year or older available embrace Columbia, RKO Radio, 20th Century-Fox, Loew's, Educational, Warners and Walt Disney, it is understood.

The shorts are generally classified as: Art and music, literature and biography, social studies, history, sociology, health, physical education and recreation and the practical arts and vocations.

Hays' announcement of availability came as a climax to a move inaugurated in 1936 via the Advisory Committee on the Use of Motion Pictures in Education, headed by Yale's Dr. Mark A. May. Reviewing panels selected the 590 shorts after examining 1,254, chosen from approximately 15,000 non-current subjects in MPPDA company vaults. Necessity for legal safeguards necessarily make progress slow.

The 590 shorts, Hays said, are being placed at the schools' disposal "under the most favorable possible terms, namely without any financial return to the owners." Individual schools and school systems may lease 400-foot reels under the following scale of charges:

Two weeks or less, \$5; one-half of school year, \$10; full (school) year, \$15; two (school) years, \$25; three (school) years, \$30. Transportation costs are extra. There will be certain discounts for quantity orders. For color prints, special prices will be quoted.

Should a print be ruined, the

Shortage of Quality Product? ... don't sell Hollywood short!

(Continued from Page 1)

product has been conspicuous by its absence impresses this commentator as being more than slightly unfair.

As a matter of fact, this columnar observer holds with Frank S. Nugent of the New York Times that "in point of quality, there is no comparison between last year and this" and that "the improvement is little short of remarkable." And coming from the extremely critical and frequently caustic Nugent, that's a couple of mouthfuls.

NUGENT, doing a six months' checkup for the Times, points out that whereas a year ago the period to July 1 had produced only 15, possibly 20, good Hollywood pix, this year the roster approximates 40. Equally important is Nugent's finding that while Hollywood was forging ahead, "foreign pictures appear to have slumped rather badly this season, those from France especially."

To support his domestic conclusion, the Times critic submits this roster of quality releases:

January—"Jesse James," "Gunga Din," "The Great Man Votes," "Trade Winds," "There's That Woman Again."

February—"Idiot's Delight," "Made for Each Other," "Yes, My Darling Daughter," "Wife, Husband and Friend," "Cafe Society."

March—"Stagecoach," "Love Affair," "Three Smart Girls Grow Up," "Story of Vernon and Irene Castle," "Let Us Live."

April—"Story of Alexander Graham Bell," "Midnight," "Housemaster" (Eng.), "Wuthering Heights," "Juarez," "Man of Conquest," "Dark Victory," "Confessions of a Nazi Spy."

May—"Union Pacific," "Only Angels Have Wings," "Goodbye, Mr. Chips" (Eng.), "East Side of Heaven."

June—"The Mikado" (Eng.), "Young Mr. Lincoln," "Clouds Over Europe" (Eng.), "Daughters Courageous," "Man About Town," "Bachelor Mother."

The moral of all this? Well, this might serve: Don't sell Hollywood short; it's still doing a pretty good job.

school will be charged the replacement cost.

Cash-and-Carry Basis

Print distribution will be strictly on a cash-and-carry basis. Orders will be placed with the TFC at 25 W. 43d St., New York City, and transmitted to the lab. handling the major company account concerned. Lab. will bill the TFC. Operating costs will be at a minimum—print charges and incidental expenses. MPPDA will provide quarters for the TFC.

Leasing contracts to be signed by the schools are simplified forms of the existing exhibition pacts. Most marked departure is provision for "bicycling." School systems may rotate leased reels to units within their own "circuits."

In making public the first catalogue, priced at 50 cents per copy, it was stated that the reviewing of shorts continues for the purpose of selecting additional films for school use as they become non-current.

For Study Guide Extension

Hays, in his address, also dwelt upon the five-year development of study guides for photoplay appreciation groups in high schools and the joint project of the MPPDA and the Commission on Human Relations of the Progressive Education Association for the production of human relations short subjects in the form of excerpts from existing non-current features.

Broad extension of the study guide project is an industry hope, Hays said, adding, "Motion picture appreciation may best be taught in its natural setting, the motion picture theater, in America a suitable and safe laboratory for your use."

Announcing that 75 human relations shorts have been completed,

"Self-Regulation" Seen Ending Games in New York

(Continued from Page 1)

tors is to take certain exhibition areas of the city by turn and nix games, the consequent elimination, therefore, will, it is argued, obviate making games an issue between houses and their patrons.

Revelation came on what appeared to be the deadline for proposed conferences between local circuits and exhibitors with License Commissioner Paul Moss, and, as a result of theater interests' stand, no conferences will be held.

THE FILM DAILY was advised that on Wednesday a ruling had been obtained by the theaters from the Corporation Counsel to effect that legality of games is questionable. The theaters, awaiting a decision on the Atlantic Theater, Brooklyn, appeal action, decided to continue screen games in most sections of the city, but to keep them out of the some 30 theaters which abandoned them voluntarily a week ago.

Attitude of the exhibition interests is that despite the question of games legality or illegality, there is going to be no "linen washing" in public to jeopardize prestige and attendance.

The 30 some houses which clamped down on games of their own volition include stands of Consolidated, RKO, Loew, Brandt, Yost and others. Checkup yesterday disclosed that attendance was not affected by the move.

Hays disclosed that MPPDA members have agreed to extend their use to a greater number of schools than included originally and that they, further, have agreed to provide additional films for the project.

20-FOX TO BOOST ITS BUDGET 10 P. C.

(Continued from Page 1)

ing 15 per cent ahead of the same time last year, Wobber asserted that every indication pointed to an upturn in business. He said that these facts, and the certain knowledge of the company's heads in the strength of their product and star power had resulted in production chief Darryl Zanuck's decision to augment the budget originally outlined.

Wobber said that the company's policy regarding use of any of its features or shorts for television would correspond to its stand on the 16 mm. issue. No films will be made available for television use.

Product deals with RKO and Public circuits are in work, the 20th-Fox exec. said, with the RKO deal practically set.

Regarding the Trade Practice Code, Wobber reiterated the statement by Prexy Sidney R. Kent that the company will proceed to offer it to all exhibitors who are interested.

Elmore Scotches Report He's Here on Equity Suit

(Continued from Page 1)

from Washington and moved into offices in U. S. Court House to reportedly line up evidence against anti-trust law violators here, told THE FILM DAILY that his presence in the Southern District is in no way connected with the Government's current equity action against the majors, nor with any other activity related to the film industry.

Lasky Off to Chicago for "Career" Broadcast

Jesse L. Lasky leaves New York for Chicago today to prepare for the "Career" broadcast there on Sunday night over the CBS network, upon which program he will appear personally as sponsor for Alice Eden and John Archer who will enact same roles as in the original RKO film.

Chicago broadcast will be the first of a serialized radio dramatization and will parallel major engagements of "Career" in U. S. theaters.

The Lasky Gateway search for new talent will be resumed in a third Gateway series to start in October.

52—Producers Meet Today

Meeting between Local 52, studio mechanics, and producers will be held today in the New York office of Pat Casey. Huddle was scheduled for yesterday, but was postponed.

UC Profit \$1,017,615

London (By Cable)—Annual report of Union Cinemas, Ltd., gives a trading profit for the year of \$1,017,615.

A Timely Question

ANSWERED WITH FACTS

ASK YOUR DEALER'S SALESMAN
TO SHOW YOU THIS BOOK →

YOUR PLANS FOR
SUMMER IMPROVEMENTS
SHOULD INCLUDE
HIGH INTENSITY
PROJECTION
IF NOT ALREADY INSTALLED

• • •
YOU NEED IT
TO MEET THE COMPETITION OF
THE THEATERS THAT HAVE IT
• • •

Study this interesting analysis of
the **COST, ECONOMIES** and
PROFIT POSSIBILITIES of
modern motion picture projection.
Your dealer's salesman will leave
a copy with you if you ask him.



2 1/3 PER CENT
*of average theater
investment covers cost
of projection light
equipment.*

**SIMPLIFIED HIGH INTENSITY
PROJECTION IS A PROFIT-
MAKING, SELF-LIQUIDATING
INVESTMENT**

2 1/5 PER CENT
*of average operating
expense covers cost
of producing
projection light.*

SIMPLIFIED
High Intensity
PROJECTION

WITH "NATIONAL" "SUPREX" CARBONS

ECONOMICAL AND MODERN

NATIONAL CARBON COMPANY, INC.

Unit of Union Carbide **INC.** and Carbon Corporation
CARBON SALES DIVISION, CLEVELAND, OHIO
General Offices: 30 East 42nd Street, New York, N. Y.

BRANCH SALES OFFICES: NEW YORK PITTSBURGH CHICAGO SAN FRANCISCO

The words "National" and "Suprex" are trade-marks of National Carbon Company, Inc.

THREE AMENDMENTS TO NEELY MEASURE

(Continued from Page 1)

complete the discussion of the bill today," he said.

When asked to lay his bill aside temporarily, Neely agreed on the condition other matters would not lead to prolonged debate. "I have been waiting for six months for an opportunity to have the Senate consider what is commonly known as the anti-block-booking bill and I propose now to take advantage of all parliamentary strategy of which I have any information and knowledge in order to bring that bill before the Senate," he told the Senators.

Meanwhile Neely has prepared three amendments to the measure which he will offer when it comes up for debate, it was revealed. Most important amendments strikes out all of section four and inserts new wording on synopsis provision following that recommended by Abram F. Myers for Allied at the hearings. This eliminates the words "complete and true synopsis" and inserts the words "accurate synopsis" and strikes out the words "an outline of the story, incidents, and scenes depicted or to be depicted" and inserts "a general outline of the story and descriptions of the principal character."

The other amendments deal with section three, striking out all of that section and inserting new wording pertaining to "aggregate price" instead of "lump sum price." The third amendment inserts a new paragraph defining "aggregate price" as the "aggregate of all flat rentals," and of all rentals based upon a percentage of prospective receipts.

Tell of Inability to Get Pix at Chicago Contempt Trial

(Continued from Page 1)

rell, secretary-treasurer of the company, completed his testimony showing failure to lease the Oriental Theater to other interests, due to firm's inability to obtain first-run films.

John Jones of the Jones, Linick & Schaefer circuit testified to his inability to secure suitable films for the State-Lake Theater when it was under J L & S management. He described the present difficulties in obtaining suitable films for Oriental Theater operations.

Jack Rose, prexy of the Indiana-Illinois circuit, described his efforts to get films for Oriental Theater operation and his failure to get them.

Seymour Simon, Government attorney, stated that the Government will close its side of the case with a surprise witness at tomorrow morning's session. It is expected that the sessions will be resumed Sept. 7, after the Summer vacation.

Code Analysis Installment in Monday's Issue

The thirteenth installment of Louis Nizer's analysis of the Trade Practice Code, scheduled for publication in today's issue of THE FILM DAILY, will appear in next Monday's issue.

610 Projection Machines Used by Chicago Schools

(Continued from Page 1)

Pictures in Education, this city's school system now has approximately 500 16 mm. silent and 110 sound projectors, it was disclosed yesterday by Paul G. Edwards, director of visual education.

Heart of the school film system is the Central Film Library, actually an exchange staffed by 21 assistants to Edwards. The library has 4,000 reels of 16 mm. silent films and about 1,500 sound reels. All are classed as educational subjects and no propaganda films are included. Co-operation of the Parent-Teachers Association, Better Films Councils, the American Medical Association, Balaban & Katz and others is extended to the Central Film Library.

First major effort to produce subjects for use in the primary grades of the schools has been completed under the direction of Arnold Helfin, of the Lane Technical High School and the Puppet club of that school. Puppets were used in the one-reeler "Little Black Sambo."

Further RKO Plan Appeal Won't Block Consummation

(Continued from Page 1)

Rickaby, attorney for Atlas Corp., who stated that it was advisable to adjourn matters until the Circuit Court rendered a decision on the appeals from the confirmation of the plan.

After the adjournment, Rickaby stated that he would take steps to submit an underwriting agreement and advance consumation of the plan if the Circuit Court affirmed Judge Bondy's ruling. In reply to a question, Rickaby stated that appeals to the U. S. Supreme Court, which might be taken from a decision favorable to the plan, would not prevent consumation from being immediately instituted.

Meeting of New York Allied Held Behind Closed Doors

(Continued from Page 1)

up last night with no statement forthcoming as to what transpired at the session which was held behind closed doors. Max A. Cohen, prexy, flew to New York last night and was reported to be preparing a statement which will be released in New York today.

The board met at 11 yesterday morning behind closed doors and the general membership meeting in the afternoon was also behind closed doors.

British Production Said to be Staging Come-Back

(Continued from Page 1)

announce four; Metro-Goldwyn-Mayer British have a roster of five; Ealing A.T.P. executives plan at least four during current season; Irving Asher will make four; 20th-Fox list calls for eight subjects; G and S have three; British Lion is ready with two; Butchers plans three; the Warner Bros. First National Teddington unit, four; Aldwych, a new company, is engaged with its initial offering; Grand National weighs in with five; Jack Buchanan will put the Riverside studios into commission with four; British National has three; Paramount has a series of Wakefield comedies; Venture Films and the George Smith units have two; Argyl is concentrating on two; Herbert Wilcox also has two set.

At Teddington yesterday, it was confirmed that the Hal Wallis-Sam Sax confabs have netted the assignment of Errol Flynn for a British costume production, "Capt. Horatio Hornblower," naval saga.

Metro proposes to bring over Lionel Barrymore to appear with Robert Donat in "Ruined City."

Expect Equity Will Move Suddenly in Tele Field

(Continued from Page 1)

should any other organization attempt to move in, it was learned yesterday.

No other affiliate of the AAAA thus far has made any move to contest Equity's claim, but a coalition of member unions has stalled any outright decision by requesting that no action be taken at this time, and suggesting that a joint committee be appointed to administer the television field.

This plan was bitterly assailed by Equity on the grounds that it had the only legitimate claim to the field, and the plan was an attempt to wrest this jurisdiction away from it. What plans Equity has are being carefully withheld, but informed sources expect it to move suddenly and organize the field before any other union can perfect block tactics.

Hold Funeral Services Today for Mrs. Frohman

Funeral services will be held today at 3 p.m. in Christ Church, Bronxville, for Mrs. Marie Hubert Frohman, former theatrical star and widow of Gustave Frohman, theatrical producer, who died on Tuesday at her home there. Following her retirement from the stage, Mrs. Frohman wrote plays and film scenarios under the pen name Louis de Coucy.

1939-40 PIX LINEUP REVISED BY REPUBLIC

(Continued from Page 1)

lars" and "The Dark Command." Group originally embraced, in addition to the two latter, "Two Orphans" and "Wagons Westward."

Last named title is now among the six anniversary specials, which group previously included "Lady from New Orleans." Dropped from the anniversary specials are "Gangs of Chicago," and "Guilty of Treason"; replacements include "National Barn Dance" and "Doctors Don't Tell."

Dropped from the 16 Jubilee Productions, announced at the Houston convention in April, are: "Escape from Sing Sing," "Call of the North," "The Champ Maker," "Bengal Border Patrol," "Tom Sawyer Abroad," "Bowery Boy," "A Sporting Chance," "Man of the Hour," "The Fighting Irish" and "A Day at the World's Fair," two latter in the Higgins Family series. Title changes are two: "Calling All Marines" for "Here Come the Marines" and "Money to Burn" for "We're in the Money."

Substitute Jubilees embrace "Flight at Midnight," with Roscoe Turner; "Jeepers Creepers," and "In Old Missouri," both with Weaver Bros. and Elviry; "Probate Nurse," "Headline News," "Abraham Lincoln Boggs," "Guilty of Treason," by Peter B. Kyne and "Gangs of Chicago," plus "The Covered Trailer" and "Should Wives Work," two latter in the Higgins series. "Forgotten Girls" will have a story by Vicki Baum instead of Earl Fenton as first announced.

"Old Faithful" is out as a title for a Gene Autry musical Western; replacing is "Grand Old Opry." "Death Valley Days" as a title for a Roy Rogers vehicle gives way to "The Saga of Death Valley." There are two substitutions in the Three Mesquiteers series: "Heroes of the Saddle" for "Sons of the Saddle" and "The Kansas Terrors" for "Cowboys from Texas."

In the serial lineup, "The Adventures of the Red Ryder" replaces "Jimmy Valentine Strikes Again."

Will Thresh Out Up-state Clearance Tangle Tuesday

(Continued from Page 1)

out on next Tuesday at a meeting here which will be attended by representatives of RKO Radio, Warners, and other major distrib., plus a contingent of complaining exhibs.

H. M. Richey, director of exhibitor relations for RKO Radio, has been instrumental in arranging the Tuesday pow-wow.

"Five Came Back" Breaks Rialto's Summer Records

(Continued from Page 1)

kept the doors open all of Wednesday night and the pix played 12 times along with the balance of the program, during the day and night.

T-H-E-A-T-E-R-SAir Conditioning Systems
Cooling Plants**EQUIPMENT****S-T-U-D-I-O-S**Technical—Supplies
Furnishings**NEW CATALOG COVERS
ENTIRE SOUND FIELD**

An attractive 56-page catalog containing a complete listing of all RCA sound equipment for a wide variety of applications in the industrial, entertainment and educational fields, has been announced by the Commercial Sound Section of the RCA Manufacturing Co.

All items in the extensive line of RCA sound equipment are indexed and cataloged with photographs, prices, specifications and general descriptions including possible uses. In addition, a compact guide for prospective buyers is included in an easy-to-read chart of six basic sound systems which, with extra equipment for special requirements, cover every standard application.

Other sections include portable sound equipment, master control systems, a complete line of microphones for every purpose, amplifiers, loudspeakers for all types of indoor and outdoor applications, standard and multi-wave antenaplex, record players, a complete line of accessories, and hearing aid devices. Printed in two colors, the catalog also includes a directory of RCA Commercial Sound distributors and the company's district offices.

**American Seating Co.
Publishes New Guide**

Copies of the American Seating Co.'s new booklet, "A Story of Seating: Research, Testing, Inspection," are available to theater operator upon request, it is announced by H. M. Taliaferro, company's president.

This booklet, unique in industrial literature, and certainly in the field of Public Seating, presents a wealth of information on theater seating which showmen everywhere will welcome as an asset in forming a clear picture of the scientific effort, research, materials and craftsmanship which make for audience comfort and assist immeasurably in building box-office receipts.

An entirely new and valuable insight is given the reader via 69 separate illustrations of American Seating Co.'s manufacturing and research methods.

E S C Chairs in Demand

Eastern Seating Co. reports unusually large sales this month on their reconstructed theater chairs on which they claim a saving of 70 per cent. They recently issued illustrated bulletin showing great saving for exhibs. in the market for used chairs.

NEW CURTAIN CONTROL

And New Intermediate Track

By GEORGE H. MORRIS

Equipment Editor, THE FILM DAILY

BACK of the showmanlike exhibits at the New York World's Fair, the technique for which, in virtually all instances, has been borrowed from that perfected in and by motion picture theaters over a span of several decades, lies equipment well calculated to dramatize the exhibits themselves.

A salient example is the use of eye-arresting curtains operated speedily, quietly and effectively at the commencement and finale of the individual "shows" presented.

Examination of General Motors "Highways and Horizons" exhibit; the auditorium of the United States Government building, where the feature picture, "Land of Liberty," which is the film industry's contribution to the Fair, is presented to visitors; the Soviet Russia Building; the American Tobacco Company exhibit; and the "House of Jewels," sponsored by the diamond mines of Johannesburg, South Africa, reveals numerous special Vallen proscenium installations.

AMONG interesting devices utilized is the newest electric curtain operator, manufactured by Vallen, Inc., of Akron, Ohio, and bearing the trade designation of Vallen's "World's Fair" Junior Control.

Company points out for the information of motion picture theater circuits and individual exhibitors a number of the outstanding characteristics of the Junior Control as most compact and efficient electric curtain operator, revolutionary in design, streamlined and speedlined, —125 rpm.; exclusive Vallen "pillow action," newest adaptation of the exclusive company floating control principle; sturdier and more powerful condenser-type motor which automatically compensates for fluctuating current and solves all low voltage problems; and fully automatic cycling coil to protect the motor and lengthen motor life.

Additionally, entirely new type of

infallible internal switch mechanism; one-button start, stop and reverse control; internal mechanism entirely available for inspection by loosening two screws; thoroughly up-to-date and simple timing mechanism; automatic clutch; very simple two-wire installation for fool-proof operation; and noiseless in the sense which, company declares, has become symbolic with its units.

ANNOUNCEMENT is made of the new Vallen Intermediate All-Steel Safety Track, developed, it is explained, to supply a definite demand, since many curtains are too heavy for light-duty equipment, yet do not require the extra carrying

**CROSS CARBON-SAVING
DEVICES IN DEMAND**

Detroit—Wallace Cross of Cross Machine Shops reports the equipping of the principal houses of the Butterfield Theaters Circuit throughout the state with Cross Carbon-saving devices. Thirty installations have recently been made, with more to follow immediately. All houses of the Wisper and Wetsman circuit have also been recently equipped with this Cross device, Cross states.

The anti-splasher manufactured by this company is being used in the Butterfield houses and there is a constantly growing demand for them in other houses.

Cross reports orders coming in for the carbon-saver from the Paramount-Richards Circuit, New Orleans, La., and the Carolina Theater at Salem, N. C.

and operating capacities for which the heavy-duty tracks are widely known.

**"BROADWAY SERENADE"**

Install Alexander Smith Carpet—the carpet with Box Office appeal—and you'll be serenaded by the sweet music of extra coins tinkling in the till. One reason why you find this famous carpet in most of the country's successful theatres.

ALEXANDER SMITH CARPET

PRICELESS QUALITIES

NEW film emulsions are indispensable to motion picture progress, but only proved reliability and uniformity make them practicable. Eastman *Plus-X*, *Super-XX*, and *Background-X* have those priceless qualities—hence the everyday use they are enjoying throughout the industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

Intimate in Character
International in Scope
Independent in Thought

The Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 75 NO. 5

NEW YORK, MONDAY, JULY 10, 1939

TEN CENTS

Conn. Indies in Drive to Force Lower Film Rentals N. Y. ALLIED TO ASK DISTRIBS. FOR STATE CODE Senate Finally Due to Tackle Neely's Measure Today

Death of Secretary of Navy Swanson Deferred Action Friday

Washington Bureau of THE FILM DAILY

Washington—Senate action on the controversial Neely anti-compulsory block-booking and blind-selling measure is in prospect this afternoon.

Consideration of the bill was deferred Friday as a result of the death of Secretary of the Navy Claude Swanson, former Senator from Virginia, the Senate adjourning immediately after convening at

(Continued on Page 4)

GEO. TRENDLE QUILTS EXHIBITION FIELD

Detroit—George W. Trendle has resigned as president of United Detroit Theaters Corp., Paramount affiliate operating 16 local houses, and the resignation, which will be effective Aug. 1, has been accepted by Paramount. Increasing responsibilities of his radio interests is Trendle's reason.

(Continued on Page 4)

Brooklyn Para. in Deal With WOR for Air Show

In what was described as "an attempt to beat the Monday night lull in motion picture theater attendance," Simon Fabian, Inc., operator of the Paramount and Fox theaters, Brooklyn, has made a deal with WOR, Newark, whereby Benay Venuta's "Monday at 8:30" commercial

(Continued on Page 8)

Estimate 1939-40 Production Will Cost 11 Companies \$176,000,000-\$183,000,000

Leading 11 producing companies will invest from \$176,000,000 to \$183,000,000 in 1939-40 production, it is estimated by Fenner & Beane Industries Service, which places the investment for the present season at \$153,000,000. Service says, "Compared with results a year ago, interim earnings reports for the first half of 1939 have been showing mixed tendencies."

CHI. CONTEMPT SUIT TRIAL OFF TO SEPT. 5

Chicago—With the Government concluding the presentation of its case on Friday, defense in the Department of Justice's criminal contempt action against B & K and the majors will not start before Special Master Edgar Eldredge here until Sept. 5.

As the Government went to bat legally for the last time Friday, its

(Continued on Page 8)

NBC Gets More Pix for Tele Despite Ban by the Majors

Further acquisitions of feature film properties for television presentation purposes have been made by RCA-NBC for their programs in the local area, it was admitted at the week-end by NBC officials.

Because of the ban placed by the majors and leading indie companies

(Continued on Page 6)

CLEARANCE CHANGES IN CODE UP TODAY

Sales managers of the seven majors which are parties to the Trade Practice Code will meet today at the call of W. F. Rodgers, Metro sales chief and distributors' key man in the Code deliberations, to consider changes in the machinery for settling clearance disputes.

Changes largely stem from criticism of certain Code provisions voiced by the ITOA and will be made in fulfillment of the distributor pledge to modify the machinery.

Survey Shows Pix Major Target for Censorship

Censorship of movies, radio, the theater and literature declined during the past year, the American Civil Liberties Union reports in its annual survey of civil liberties in the

(Continued on Page 8)

Cohen Heads Committee to Seek Reopening of Negotiations

New York Allied, moving to smash the impasse resulting from national

Allied's action in spurning the Trade Practice Code, will attempt to reopen negotiations with the Distributors' Committee headed by Sidney R. Kent for the purpose of evolving a New York State code.

A announcement to this effect was made on Friday via a formal statement released by

(Continued on Page 8)



MAX A. COHEN

M-G-M CIRCUIT DEALS NEAR CLOSING STAGE

Metro negotiating new product deals with leading circuits, has reached an agreement in principle in a "good percentage" of cases, and closing is a matter of days, it was said at the week-end by Wil-

(Continued on Page 6)

Georgia Trust Co. Asks New Receiver for Fox Theaters

Application was filed on Friday by Robert Aronstein as attorney for the Trust Company of Georgia for an order appointing a temporary receiver for the assets of Fox Theaters Corp. in place of Milton C. Weisman

(Continued on Page 7)

Conn. Indies Fight for Lower Rentals; Charge Forced Buying of Shorts

Hollywood Studios Will Start 12 Pix This Week

West Coast Bureau of THE FILM DAILY
Hollywood — Twelve new productions are slated to go before the cameras this week:

At RKO: "The Hunchback of Notre Dame," starring Charles Laughton,

(Continued on Page 6)

New Haven—With exhibitor organization lines swept aside, Connecticut indies today inaugurate a determined drive to force lower film rentals in the territory.

Opening gun is the placement of display copy in the trade press which, in addition to citing declining theater grosses and increasing rent-

(Continued on Page 7)

6 B'way Holdovers

Six pictures are being held over this week in Broadway theaters—"Goodbye, Mr. Chips" is in its ninth week at the Astor; "Daughters Courageous" in its third at the Strand; "Man About Town" in its second at the Paramount, while the Music Hall is holding "Bachelor Mother," the Roxy "Second Fiddle" and the Globe "Hell's Kitchen" for second weeks.

Duals at 5 Cents

New Orleans—Duals at five cents admission came to town here last week as Alex Schulmann's Casino, a subsequent-run nabe on the fringe of the commercial area, adopted them.

THE **Film** DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 5 Mon., July 10, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET (QUOTATIONS AS OF FRIDAY)

	High	Low	Close	Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)	8 7/8	8 7/8	8 7/8	+ 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	
Con. Fm. Ind. pfd.	10	9 1/2	9 1/2	- 1/2
Eastman Kodak	164	163 3/4	163 3/4	- 1/4
do pfd.	174 1/8	174	174	- 1
Gen. Th. Eq.	11 1/4	11 1/4	11 1/4	+ 3/4
Loew's, Inc.	41 1/4	41 1/4	41 1/4	- 1/4
do pfd.				
Paramount	8 1/2	8 3/8	8 3/8	- 1/4
Paramount 1st pfd.				
Paramount 2nd pfd.	9 7/8	9 7/8	9 7/8	+ 3/8
Pathe Film	9 1/4	9 1/4	9 1/4	+ 1/4
RKO	1 5/8	1 5/8	1 5/8	+ 1/8
20th Cent.-Fox	18 7/8	18 3/4	18 3/4	- 1/4
20th Cent.-Fox pfd.	29 3/4	29 3/4	29 3/4	- 1/4
Univ. Picts. pfd.				
Warner Bros.	4 1/4	4 1/8	4 1/8	- 1/8
do pfd.	45	45	45	- 1 1/8

NEW YORK BOND MARKET

Keith B. F. ref. 65 46				
Loew's deb. 3 1/2% 46	103	103	103	+ 1/2
Par. B'way 3 5/8% 50	50	50	50	
Par. Picts. 65 55				

100 3/16	100 3/16	100 3/16	-1/16
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Par. Picts. cv. 3 1/4% 47			
RKO 65 41			
Warner Bros. cv. 65 39			
Warner Bros. db. 65 48	91	90	91 + 1 3/4

NEW YORK CURB MARKET

Monogram Picts.	1 1/2	1 1/2	1 1/2	
Sonotone Corp.				
Technicolor	14 7/8	14 7/8	14 7/8	- 1/8
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 1/2	5
Loew's Thea. Realty 65 1st '47	99 1/2	101 1/4
Met. Playhouse, Inc. 2nd deb. '45	68	70
Roxy Thea. Bldg. 4s 1st '57	65 3/8	67 5/8

SAFETY LLOYDS

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SECURITY

The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—9th week	Astor
Daughters Courageous (Warner Bros. Pictures)—3rd week	Strand
Man About Town (Paramount Pictures)—2nd week	Paramount
Bachelor Mother (RKO Radio Pictures)—2nd week	Music Hall
Second Fiddle (20th Century-Fox)—2nd week	Roxy
Hell's Kitchen (Warner Bros. Pictures)—2nd week	Globe
Five Came Back (RKO Radio Pictures)	Rialto
Mickey, the Kid (Republic Pictures)	Criterion
On Borrowed Time (Metro-Goldwyn-Mayer)	Capitol
Western Caravan (Columbia Pictures)	Central
Juarez (Warner Bros. Pictures) (a-b)	Palace
The Zero Hour (Republic Pictures) (a)	Palace

FOREIGN LANGUAGE FEATURES

Lenin in 1918 (Amkino)—3rd week	Cameo
Alexander Nevsky (Amkino)—5th week (b-d)	World
Crisis (Mayer & Burstyn)—4th week (b-d)	World
Song of Youth (Amkino)—3rd week (b-d)	World

FUTURE OPENINGS

Bulldog Drummond's Bride (Paramount Pictures)—July 13	Criterion
The Magnificent Fraud (Paramount Pictures)—July 19	Paramount
They Shall Have Music (United Artists-Goldwyn)—July 27	Rivoli
The Man in the Iron Mask (United Artists-Small) (c)	Music Hall
Andy Hardy Gets Spring Fever (Metro-Goldwyn-Mayer) (c)	Capitol
The Indianapolis Speedway (Warner Bros. Pictures) (c)	Strand
The Saint in London (RKO Radio Pictures) (c)	Rialto
Wanted by Scotland Yard (Monogram Pictures) (c)	Globe
The Mikado (Universal Pictures)—July 12 (a-b)	Palace
News is Made at Night (20th Century-Fox)—July 12 (a)	Palace

(a) Dual bill. (b) Subsequent run. (c) Follows current bill. (d) Triple bill.

AFL Mediation of AFA Row Spurned by AAAA's Board

AAAA's international board, meeting Friday, rejected suggestion by prexy William Green of the A F of L that it submit its alleged grievances against the AFA to an impartial mediation board to be selected from the A F of L Executive Council.

With the trial of the AFA set to open today in Room 313 of the Bar Ass'n Bldg., specific charges were leveled at the organization by Paul Turner, AAAA counsel, in a communication to the actors' union following its request for a bill of particulars. At the same time, the AFA submitted its answer to the charges, reiterated it would not accept the trial verdict, and said it was willing to accept any impartial body as arbiter.

Hoblitzelle Escorting Potential Texas "Find"

West Coast Bureau of THE FILM DAILY Hollywood—Karl Hoblitzelle, president of Interstate, is here with Mike O'Daniel, son of Texas' Governor, who is being screen tested by a major.

Asks Dionne Suit Ousting

North Bay, Ont.—Dr. Allan Ray Dafoe at the week-end asked Judge J. A. S. Plouffe to dismiss action brought by Oliva Dionne seeking a court order to compel Dr. Dafoe to produce alleged Quints' contracts with 20th Century-Fox, Pathe, Colgate-Palmolive-Peet. Dafoe's attorney stated that all contracts made by Dafoe were passed on or rejected by Percy Wilson, Quints' special guardian.

2 Weeks for Fashion Short

The newest release in the Vyvyan Donner "Fashion Forecasts" series produced by Movietone News started a two-week run at the Roxy Friday.

Ray Long-R. R. Smith Corp. Suit vs. 20th-Fox Settled

Suit against 20th Century-Fox Film Corp. and Irvin S. Cobb brought by the late Ray Long, and R. R. Smith Corp., was settled and discontinued under a stipulation filed in Federal Court on Friday. Terms of the settlement were not available.

Defendants had been named on a charge that the film "Judge Priest" used as its plot a story "A Tree Full of Hoot Owls," and that Cobb in 1932 had sold this story to the plaintiff in a collection called "Down Yonder With Judge Priest and Irvin S. Cobb."

Plaintiffs contended that the motion picture rights of the story had been sold with publication rights.

Crites' Patent Suit vs. Warners et al, Dismissed

Federal Judge Mortimer W. Byers on Friday dismissed the suit brought by Vergil C. Crites against Albert A. Radtke, Radtke Patents Corp., Warner Brothers Pictures Corp., Leonard Day, Thomas J. Martin, and United Research Corp. in an opinion which ruled that charges of patent infringement were unfounded.

Defendant Radtke had been employed by the plaintiff in 1917 and the suit charged that he and the other defendants had infringed a patent called "Methods of and Means for Optically Reproducing Sound."

Injunction, accounting and damages had been sought.

FOR SALE

Two Victor model 24B 16 mm. Sound-On-Film Projectors with Auditorium speakers, converter and accessories. Excellent value for Roadshow operator.

E. J. BARNES

30 Rockefeller Plaza New York City
Circle 6-1488

COMING AND GOING

JOSEPH M. SCHENCK, board chairman of 20th-Fox, flew to the Coast yesterday via TWA.

CHARLES CLETT, vice-prexy of Eastern Service Studios, flew to the Coast Saturday via the American airliner Mercury.

IRVING BERLIN flew to the Coast yesterday via TWA.

MICHAEL SHATHIN, Warner manager in Japan, leaves for the Coast today after home office conferences en route to Tokio.

MYRNA LOY and her husband, ARTHUR HORNBLow, JR., arrive from England today on the Normandie.

MARY PICKFORD, BUDDY ROGERS, HERBERT WILCOX, British producer, MRS. GILBERT MILLER and WILLIAM SAROYAN are other arrivals on the Normandie.

BURGESS MEREDITH left at the week-end for the Coast to appear in a picture.

ELSA LANCHESTER arrives from Europe today on the Normandie and will proceed to Hollywood where her husband, Charles Laughton, is working in "The Hunchback of Notre Dame."

AL DAFF, Universal foreign exec., left New York at the week-end and will return to the home office about July 20.

ANDY DEVINE and his wife, after a week in New York, are spending a few days in Chicago en route back to the Coast.

Y. FRANK FREEMAN, JR., son of Para.'s vice-prexy in charge of studio operations, visited the home office en route to Hollywood from Atlanta.

MAY ROBSON, veteran stage and screen player, leaves for Hollywood tomorrow after two weeks' vacation in New York.

HAL B. WALLIS, associate exec. in charge of production at the Warner studios, and his wife, LOUISE FAZENDA, return from Europe today on the Normandie, following an extensive tour abroad.

VINCENT McCAUL of Buffalo Theater, Inc., HARRY NACE of Phoenix, and JEROME WINBERG of the Lakeside Theater, Chicago, were visitors at Paramount's World's Fair headquarters.

BERT REISMAN, RKO manager in Peru, and MRS. REISMAN were passengers sailing Saturday on the Grace liner Santa Rita for South America.

WILLIAM CAMERON MENZIES, production designer on "Gone With the Wind," left the Coast on Friday for New York from where he sails on Wednesday for London to direct trick and magic sequences for Alexander Korda's "Thief of Bagdad."

HENRY GORDON, Paramount manager in Central America, with headquarters at Ancon, has arrived in New York by plane after spending several weeks in Mexico City. He will be here for some weeks.

BRUCE CABOT has returned to the Towers of the Waldorf-Astoria after spending a week in Philadelphia.

Out of town visitors recently seen at RKO's World's Fair lounge for exhibits, include MR. and MRS. ROY E. HAROLD and daughters of Princess Castle Theaters, Rushville, Ind., stopping at the McAlpin; M. KENNEDY of the Kenworthy Theater, Moscow, Ida., stopping at the Maurice; CLEMENTI LOCOCO, Gran Teatro Opera, Buenos Aires, and GUY P. MORGAN, UA representative at Buenos Aires, both guests at the Maurice.

THE THEATRE

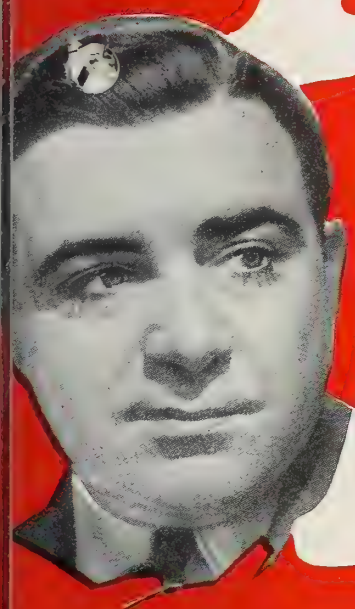
"A MUST, GO ENJOY IT" —Walter Winchell

I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN and JACK WHITE

Air-Conditioned.

VANDERBILT, West 48th Street
Evs. 8:40. Mat. Wed and Sat.



KIM

TAMIROFF

gives

TERRIFIC

PERFORMANCE

in

grand action

adventure-romance

Paramount's

**"THE
MAGNIFICENT
FRAUD"**

... the story of an actor who dares to play the role of dictator ... set in the exotic, beautiful tropics with a cast including Lloyd Nolan, Mary Boland, Patricia Morison, the beautiful young Paramount star, who made such a hit in "Persons in Hiding". Robert Florey directs.



SENATE TO TACKLE NEELY BILL TODAY

(Continued from Page 1)

noon out of respect for the late Cabinet member.

This move left the block-booking bill still unfinished business of the Senate, and it is expected that debate will start early Monday afternoon after state funeral services for Secretary Swanson in the Senate chamber at 11 a.m.

As exclusively published in THE FILM DAILY Friday Senator Neely plans to submit three amendments to the bill when it comes up for debate.

"Chips" Held Over in All 16 Pre-Release Showings

"Goodbye, Mr. Chips" has been held over in every one of its 16 pre-release key city openings to date, M-G-M announces. Latest holdovers are in Oklahoma City and Philadelphia. At the Boyd, in the latter spot, "Chips" topped the record "Pygmalion" gross established in February, despite a lower admission scale.

"Chips" ran four weeks in Cleveland and Boston, holding over day and date at the State and the Orpheum in the New England situation. Indefinite runs are now under way in Chicago, San Francisco and Seattle, and holdovers were recorded in Dayton, Cincinnati, Columbus, Pittsburgh, Toledo, Indianapolis and New Orleans. At the Astor, N. Y., and the Four Star, L. A., "Chips" today enters its ninth capacity week.

Set for national release on July 28, it is predicted that "Chips" will establish a new high in extended runs.

New WB Pact for Cagney

West Coast Bureau of THE FILM DAILY

Hollywood—James Cagney's present Warner contract, expiring in October, has been replaced by a new term commitment, it was announced over the week-end by Jack L. Warner. Cagney starts work today on "The Roaring Twenties," Mark Hellinger underworld story. Under new pact, he is expected to make "John Paul Jones."



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 10

Sam Wood
Dudley Murphy
Joan Marsh

William M. Counselman

ALONG THE



WITH PHIL M. DALY

● ● ● A REAL film pioneer died the other day.....and the industry seems to have entirely overlooked it.....referring to Frank Woods, who died at 76 in California.....he wrote the first movie review.....thus becoming the first reviewer.....on the Dramatic Mirror here in New York.....back in 1912.....the Mirror was in the Putnam building, a four-story structure on the site of the present Paramount building.....Lyman Fiske was the publisher.....on the staff were Bob Welch, Louis Reed, Frederick Smith.....the paper lived on vaude and legit, with the movies just a squawking infant that might live and then again might not.....and most of the wise guys around Broadway were betting that the Nickelodeons would be back to delicatessen stores and saloons before the year was out.....

● ● ● HONORING the memory of the late Col. Walter S. Butterfield, founder of the circuit which bears his name.....the newspapermen of Lansing, Michigan, have dedicated the Butterfield Room in their handsome new Press Club on South Grand Ave.....furnishings for the room were donated by Edward C. Beatty, president of the circuit.....Frank H. Butterfield, manager of the Strand, and John H. Ross, manager of the Orpheum and Garden, are members of the club.....Warren A. Slee is the only publicity man on the Club roster, he having been accorded an associate membership.....Slee is also the only film company representative enjoying this privilege, being on the exploitation staff of M-G-M.....

● ● ● HIS CONSCIENCE made Marvin Douthat, Roanoke College basketball star, give up \$1,000 he won as a Bank Nite prize at a theater in Bluefield, W. Va.....Marvin happened to be standing near the theater, not even bothering about the show, although he had registered for the Bank Nite some time before.....a pal rushed up and told him his number had just been called, and dragged him to the box-office, where another pal shoved a ticket in his hand, and pushed him inside.....he collected the dough.....and then his conscience wouldn't let him sleep nights because he hadn't really bought a ticket.....he RETURNED the dough.....it must be hell to have a conscience.....

● ● ● FATHER of a baby girl born to the missus Thursday at the Jewish Hospital.....the proud pappy being Bernard R. Goodman, sales manager of Warners' advertising accessories sales dept. . . ● Frank Flaherty, sales manager for Columbia in the Chi territory, is celebrating his 30th anniversary in the biz. . . ● Did you hear about the exhib. who asked if "Unexpected Father" was a sequel to "Bachelor Mother"?.....

● ● ● Strictly personal.....UA is inviting the press to have a drink with Jimmy Roosevelt, just back from the Coast.....the scene will be the Rockefeller Center Luncheon Club.....the time, tomorrow at 5:30 p.m. . . ● A. T. Hull, Jr., of Pathe News.....and Al Brick of Fox Movietone News.....share in the awards of the National Headliners Club.....announced at the week-end.....Hull gets a gold plaque for films showing the fall of Canton.....Brick is similarly honored for films of the fatal injury to Capt. A. I. T. Roark of the British polo team.....during the Monterey match. . . ● Neat compliment to 20th-Fox's Chi. branch manager.....veteran Clyde Eckhardt.....company opens its new exchange on July 24.....when the trade honors Eckhardt with a silver anniversary dinner.

GEO. TRENDLE QUILTS EXHIBITION FIELD

(Continued from Page 1)

dle's reason for leaving the exhibition field.

No successor to Trendle is likely to be chosen till August 1 when he steps out. Other personnel changes are anticipated then. Leonard Goldenson, Paramount executive is in town representing the company.

He entered radio in 1930, when, with John H. King, his associate in the former Kunsky Theaters Corp., he purchased WXYZ. At present, he is president of King-Trendle Broadcasting Corp., The Michigan Radio Network, operating eight broadcasting stations, and the Lone Ranger, Inc.

Paramount, on the week-end, confirmed acceptance of the resignation of George W. Trendle as United Detroit Theaters Corp. president, but emphatically denied a report from that city that other UDT officials were withdrawing because of failure to renew operating partnership agreement declared currently to be under discussion.

Further, the home office asserted, no successor to presidency of UDT has been considered. It is understood that Trendle will continue until the UDT board selects someone to relieve him.

Leonard Goldenson, Paramount theaters department executive, who was former executive assistant to Y. Frank Freeman when the latter was head of the theater department, prior to taking over the post of studio operations head, is now in Detroit from the home office to keep in direct touch with the UDT situation.

It is said that the choice of Trendle's successor will not be undertaken immediately.

WEDDING BELLS

Miami, Fla.—Karl F. Roller, Paramount publicity man, married Miss Betty Denny of Atlanta. Tom Manning, assistant manager of Paramount's Olympia, is marrying Maureen Kearns.

Akron, O.—Announcement is being made of June 17 marriage of John B. LaDue, manager of Warner Bros. Strand Theater, and Miss Florence M. Snyder, former cashier at house.

Hot Springs, Ark.—Miss Johnnie Mae Gullet and Harold J. Jordan, manager of the Spa Theater, were married June 28.

West Coast Bureau of THE FILM DAILY

Hollywood—George Sherman, Republic director, leaves for New York this week where he will marry Collette Lyons, stage and screen actress.

Chicago—Miss Betty Sandler, secretary to Guercio and Barthel Co., theater equipment distributors, will be married July 15 to Bill Marks of Indianapolis.

REVIEWS OF NEW FILMS

"Bad Boy"with Johnny Downs, Rosalind Keith,
Helen MacKellarGateway Prod. 70 Mins.
(HOLLYWOOD PREVIEW)SUPERIOR INDIE WITH MOTHER LOVE
THEM TRACKS HEART THROBS AND
PUNCH

This is a mother-love story that is better than the usual independent output. It has fine performances by Johnny Downs, who surprises with his dramatic work in the title role, and by Helen MacKellar as his doting, sacrificing mother. Herbert Meyer turned in an excellent job of directing, showing the influences that affected the central character, Johnny Downs. Richard C. Kahn supplied a human and realistic screenplay, based on his original story. James Robbins does splendid work, while other good performances are contributed by Rosalind Keith and Spencer Williams, Jr., the latter, a colored actor, who supplies most of the comedy. Young Downs, devoted to his mother leaves his small town, and gets work with an engineering company in a large city. He works hard and sends his weekly savings home. Robbins, a fellow draftsman, who is a playboy, induces Johnny to play the races, and Johnny soon finds himself in debt to the bookies. Robbins persuades Johnny to take funds from his employer to cover the debt, but Johnny is caught. Robbins gets Helen MacKellar to sell her home to save Johnny from jail and return the money to his employer. Through Robbins, Johnny had met and fallen in love with Rosalind Keith, a night club singer, who is a "gold digger." After getting out of the scrape, Johnny tries hard to get work but without success. Discouraged, he joins up with Robbins, who is working for a big racketeer. Money comes easy and Johnny marries Rosalind, who is anything but a faithful wife. Johnny buys a fine home for his mother, and this so enrages Rosalind that she starts to run away with Robbins and take Johnny's funds. They are stopped by Johnny, who is wounded in a gun duel with Robbins. Critically ill, Johnny reaches the home of his mother and dies in her arms.

CAST: Johnny Downs, Rosalind Keith, Helen MacKellar, James Robbins, Holmes Herbert, Matt Moore, Bobby Clark, Jr., Clem Wilencheck, Spencer Williams, Jr., Clarence Brooks.

CREDITS: Director, Herbert Meyer; Author, Richard C. Kahn; Screenplay, Same; Cameraman, Jack Greenhalgh.

DIRECTION, Excellent. PHOTOGRAPHY, Good.

Ask Prison Term for Kindler on Contempt of Court Charge

Order was submitted in the Bronx County Supreme Court Saturday by Nathan H. Elman, attorney for Joseph Kimmel, in re Kimmel vs. Kindler, asking that Abraham I. Kindler, Empire State Motion Picture Operators' union prexy, be punished for contempt by incarceration for six months, and further that Kindler be fined the sum of \$630, which is owned to Kimmel in part and in part for counsel fees.

Action by Judge Levy is expected today.

★ SHORTS ★

"Help Wanted"
(Crime Does Not Pay)

M-G-M 21 mins.

Strong Drama

Exposing dramatically the racket of the employment agency. Showing how this racketeer set up an agency, and then sent his henchman out to line up the foremen in establishments employing unskilled labor. The foreman is promised a cut on each new man he hires, all hinging on the fact that he deliberately discharges old hands to make way for the new men. These in turn are discharged after a month's service, and another hired. And so on. The d. a. steps in, and with the help of a young man who has been tricked, finally runs the gang to earth when they commit a murder. The story is very well told, convincing and does not sound overdrawn. In fact it is one of the best of this fine series. Featured are Tom Neal, Jo Ann Sayers, Arthur Hohl, Truman Bradley. Directed by Fred Zinnemann.

"Jamaica"

(Paramount Color Cruise)

Paramount 10 mins.

Pleasing Travel Short

Renowned beauties and the romantic atmosphere of this West Indian isle, one of the most enchanting of Britain's overseas possessions, are effectively photographed and, additionally, made true to the original by the use of Cinecolor. Producers Palmer Miller and Curtis F. Nagel have selected their material well, and with eye to artistic angles as well as best subject matter. There are highly interesting shots of Kingston, the capital; the government buildings; old Spanish forts; plantations; seascapes and native life, among other views. Reel is pleasing and will be welcomed by those who like to glimpse foreign strands from the comfort of an auditorium seat.

"Bird on Nellie's Hat"

(Walter Lantz Cartune)

Universal 7 mins.

Silly But Satisfactory

The old-time meller is taken for a sleighride in script of this one, which recounts the drama, and amusingly, of the village blacksmith, Dan, and his girl friend, Beautiful Nellie. While the beau is having his vicissitudes selling proper shoes to a coy young mare customer, the Desperate Villain of the opus is riding along the nearby highway in his automobile. Along comes Nellie, bound for the smithy to deliver her beloved Dan's lunch. She grabs a hitchhike from the villain, whose advances she rebuffs. Latter ties her to a railroad track, but at the finale she is rescued when the bird on her hat brings Dan to the rescue, hard riding atop the coy mare whom he has urged to carry him to the scene of the near tragedy. It's all silly, but good humor. Fans will like it.

CONNECTICUT INDEPENDENT EXHIBITORS PROTEST!

The trend of falling grosses at the theatres and rising profits to distributors generally, as evidenced by a few among hundreds of headlines.

"U" GROSS UP \$2,000,000 IN LAST YEAR.—M.P. Daily. "FILM BIZ DOES NOSE DIVE; 1ST MARCH SLUMP IN 5 YRS."—Variety.

PARA. SECOND QUARTER EARNINGS ARE UP.—Box Office. B & K RECEIPTS FOR 1ST 14 WEEKS NEW YEAR SHOW DROP OF 4½%.—Film Daily.

"LOEW'S 12 WEEK NET ABOVE 1937."—M.P. Herald. DOG-DAYS AND SUMMER DOLDRUMS AGAIN FIND CIRCUITS WORRYING OVER FLOW OF \$FILMS.—Box Office.

CONNECTICUT INDEPENDENT EXHIBITORS ACT!

Whereas theatre grosses have been constantly falling for the past year and now dropped to an alarming degree, and

Whereas, the prices of film rentals have been constantly rising contrary to the business trend, and

Whereas, said film distributors are forcing the sale of shorts and newsreels, contrary to the spirit of the code they offer to the trade.

NOW THEREFORE, be it

RESOLVED, that we, the independent exhibitors of Connecticut, in meeting assembled this 27th day of June, 1939, at the Hof-brau, New Haven, demand decreases in film rentals for the ensuing year, commensurate with the drop in grosses, and be it further resolved, that we will not be coerced, directly or indirectly, into the buying of shorts and newsreels.

IRVING C. JACOBS, JR., Pres.
M.P.T.O.

MAURICE SHULMAN, Pres.
ALLIED

HOLLYWOOD STUDIOS STARTING 12 MORE

(Continued from Page 1)

with Maureen O'Hara as the leading lady and Edmond O'Brien as the romantic lead opposite O'Hara. Basil Rathbone and Walter Hampden also have important roles. Pandro S. Berman production, William Dieterle director. Screenplay of the world famous novel by Victor Hugo was written by Bruno Frank and Sonya Levien. "Allegheny Frontier," with John Wayne and Claire Trevor in top spots, Wilford Lawson, John F. Hamilton, Bruce Cabot, Moroni Olsen and Chill Wills in important roles. Producer, P. J. Wolfson, and director, William A. Seiter. Screenplay by Wolfson is based on Neil Swanson's novel, "The First Rebel." A dramatic story of John Smith and the uprising of the Pennsylvania settlers against the British crown ten years before the Revolutionary War. "The Fighting Gringo," George O'Brien western with Lupita Tovar in the feminine lead. Bert Gilroy, producer, David Howard, director.

At Warners: "We Are Not Alone," starring Paul Muni with Dolly Haas. Producer, Henry Blanke, director, Edmund Goulding. James Hilton's novel of a country doctor in England who is accused of murdering his wife and is sent to prison. "20,000 Years in Sing Sing" and "The World Moves On," originally slated to start last week, to go into production this week.

At Columbia: "Prison Sergeant," with Walter Connolly. Charles Vidor, director, and B. B. Kahane, producer.

At Paramount: Two scheduled for last week get started this week, they are "Untamed" (new title for "The White Flame"), and "Federal Offense" (new title) for "Paroles for Sale").

At Universal: "Rio," with Sigrid Gurie, Basil Rathbone, Victor McLaglen, Robert Cummings and Leo Carrillo. John Brahm, director.

At 20th Century-Fox: "Here I Am a Stranger" resumes production under the direction of Roy Del Ruth with Harry Joe Brown as producer. Cast is headed by Richard Greene, Nancy Kelly, Richard Dix, Roland Young and Gladys George.

At M-G-M: "Henry Goes to Arizona," with Frank Morgan, Virginia Weidler and George Murphy. Harry Rapf, producer, Edwin L. Marin, director.

Fox Asks Staff Cut

Detroit—Fox Theater is negotiating with unions to secure reduction in present maintenance staff required—six engineers and four electricians. Success of negotiations will mean definite decision to keep the house open, manager David M. Idzal said. All other operating expenses have been drastically cut, including advertising and payroll. Employees' working time is being staggered.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the thirteenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments is recommended.

Installment No. 13

Making An Award Enforceable: The parties agree to sign all necessary papers in order that the award of the arbitrators may, so far as the law permits, have the status of or become a judgment enforceable in the Courts.

Signing Different Arbitration Agreement: If the law in any territory provides for a different form of arbitration agreement, the parties will sign an agreement as required by such law and file it with the Permanent Arbitration Board established under the Rules of Arbitration.

Obeys Awards: If arbitration awards cannot be enforced in certain territories, the parties agree nevertheless to live up to, in good faith, any award that is made under the Rules of Arbitration.

Affiliated Theaters: Distributors who control theater circuits pledge the full co-operation of the theaters and will use their best efforts to obtain the co-operation of theaters in which they have a partial interest.

Exhibitor Groups: Organized exhibitor groups who sign the Code, will endeavor to obtain the signature of all their members and all other exhibitors operating theaters in the areas where they have members.

XVI. EFFECTIVE DATE

This Code shall apply to all contracts made after January 1, 1939 for 1939/40 product and the product of subsequent years so long as this agreement is in effect.

XVII. TERM

The term of this Code shall be for two exhibition seasons beginning with the season 1939/40 and thereafter indefinitely.

Exhibition Season: An exhibition season begins September 1 and ends August 31.

Withdrawing From Code: Anyone who has signed the Code may withdraw at the end of the second exhibition season or at the end of any subsequent exhibition season.

Notice of Withdrawal: To withdraw from the Code, written notice must be sent to each distributor and organized group of exhibitors who have signed and to the Secretary of the Permanent Arbitration Board in each Exchange territory where the party withdrawing transacts business.

Time of Notice: The withdrawal notice must be sent at least six months prior to the end of the exhibition season.

(Fourteenth installment will appear tomorrow.)

NBC Gets More Pix for Tele Despite Ban by the Majors

(Continued from Page 1)

on supply of motion pictures for telecasting, NBC is continuing its "raids" on the importers and subsequent distributors of foreign features, as well as closing deals with various individuals having "outmoded" domestic footage in the film industry's conception of the term.

NBC sources also admit that no headway has been made in negotiations suggested some time ago for a basic agreement with any major or leading indie.

It is known that NBC has a sufficient "backlog" of industrial and advertising shorts to assure for some time into the future the presence of film entertainment on its telecasts.

Stahl Back With UA

Detroit—Etnie Pichler, UA salesman, is being transferred to Milwaukee, and being replaced by Max Stahl. Stahl was former UA branch manager at Cincinnati, resigning to go into business as an exhibitor at Shelbyville, where he recently sold out, to return to selling.

Court Upholds Darrieux in Refusing "Can-Can" Role

Paris (By Cable)—Danielle Darrieux, film star, was upheld by a decision of a civil court here in her refusal to play the lead role in a feature picture titled "The French Can-Can."

Suit had been brought against her by the Regina Film Co. seeking damages of 1,000,000 francs, but the court ruled that it was the privilege of the actress to choose her role, and assessed cost of the action against the company.

Defendant refused to appear in the production because she did not like the scenario.

Fleischer Works Overtime on "Gulliver's Travels"

Miami—While the Fleischer Studio denies there is any race to place "Gulliver's Travels" in release before RKO Radio distributes Walt Disney's "Pinocchio" at the end of the year, the local cartoon plant is working overtime.

M-G-M CIRCUIT DEALS NEAR CLOSING STAGE

(Continued from Page 1)

liam F. Rodgers, company's general sales manager.

At the present rate of progress, Rodgers declared that all circuit deals if important would be completed before the end of the month.

Among the new deals now in the making are those with Warners, Fox West Coast (National Theaters) and many of the Publix chains.

Warner Theaters Setting Deals for 1939-40 Films

Warner Bros. Theaters are currently setting deals for 1939-40 product, it was declared by Joseph Bernhard, circuit's general manager, as he left New York Friday evening for the Coast aboard the 20th Century Limited.

Mort Blumenstock, Warners' Eastern advertising and publicity director, and the Bryan Foys also left on the Century.

Bernhard and Blumenstock will confer at Burbank with Jack L. Warner, S. Charles Einfeld and Hal B. Wallis. Latter arrives from Europe today on the Normandie, accompanied by Mrs. Wallis, the former Louise Fazenda, and their son, Brent, and is scheduled to head immediately for Burbank.

Blumenstock will return to the home office in about two weeks, and Bernhardt in ten days.

Puerto Rican Circuit Buys Entire WB '39-40 Lineup

Teodilo Llamas, head of the Empresa Teatros Modernos Circuit in Puerto Rico, has signed for the entire Warner product for the 1939-40 season, it was announced over the week-end by Sam E. Morris, WB vice-prexy in charge of foreign distribution.

The Warner lineup will play the circuit's 12 theaters in San Juan, Santurce, and Rio Piedres. Of the twelve theaters, six of them are brand new houses. The Matienzo Theater in San Juan, the most modern house in the territory, will be the principal first-run outlet.

The contracts were signed at the home office by Llamas in the presence of Morris, J. S. Hummel, general foreign sales manager for Warners, Karl MacDonald, Warners' South American district manager, Peter Colli, Warners' supervisor for Central American territories, F. G. Planas, Warner manager in Puerto Rico, and Raphael Marti of Llamas' staff.

FTP Windup by July 31

New order issued by Col. B. B. Somervell, WPA administrator, calls for the discharge of all on the Federal Theater Project rolls here by July 31. Originally, they were to be carried for 30 days.

GA. TRUST ASKS NEW FOX THEA. RECEIVER

(Continued from Page 1)

and Kenneth Stenreich, trustees, and restraining the trustees from carrying out the plan of liquidation of Fox Theaters.

The application seeks the restraining order and the appointment of a temporary receiver pending hearings which Federal Judge John C. Knox has ordered on objections by creditors and stockholders to Weisman's accounting as receiver.

Weisman and Stenreich were appointed trustees by former Judge Martin T. Manton to consummate the liquidation plan which Weisman had proposed.

The Trust Company of Georgia contended in its application that there was a possibility that the trustees "may so deal with the property as to jeopardize and affect the rights of creditors of the Fox Theaters Corp. during the time in which hearing on the objections to the receiver's account is had."

Petition asked Judge Knox to set a day for a hearing on the application before him.

Hear Nick-Weston Cases On Appeal In September

Jefferson City, Mo. — Two cases connected with the ouster of John P. Nick, International vice-president of the IATSE, and Clyde A. Weston, former business manager of Local 143, operators' union, from control of the latter by Circuit Judge Ernest F. Oakley of St. Louis, will be heard by the Missouri Supreme Court at its September term.

One of the cases is the appeal of Nick and Weston from the order of Judge Oakley appointing a temporary receiver for Local 143, while the second case is based on the unsuccessful attempt of William F. Canavan and other defense interveners to compel Judge Oakley to accept an appeal bond, which would have automatically superseded the receivership and returned control of Local 143 to Nick and Weston until such time as the high courts could pass on the receivership suit.

Quebec Theaters Win Strike Against Tax; Reopen Today

Quebec—Local newspapers Saturday carried advertisements stating that the 11 theaters closed since June 2 will reopen today. It is understood that films will be flown from Montreal and speedily reviewed by the censors in special session.

Premier Duplessis has notified Mayor Lucien Borne that the Quebec Legislature will pass at once any measure necessary to legalize the city's failure to collect the 10 per cent admission tax, opposition to which was the cause of the theaters closing.

THE WEEK IN REVIEW

B. O. Drought Broken—French Decree Favors U. S.

By GEORGE H. MORRIS

DOMESTIC

EXHIBITION: Broadway's pix palaces enjoyed a literal deluge of patronage which spectacularly ended the b.o. drought, and reports to home offices from other sections of the nation disclosed unmistakably a general upswing. In the Great White Way sector, SRO signs were the rule, and, in some instances, records of long standing for both grosses and attendance were shattered... Anent the exhibition realm, a Toronto dispatch declared that Dominion-wide indie exhib. convention under auspices of the Anti-Protection League will probably be held some time in August.

ON LEGAL FRONT: After obtaining Senate consideration for his block-booking measure late Thursday afternoon, Senator M. M. Neely yielded floor for other matters and bill went over to Friday when it was due for debate and vote but the death of Secretary of the Navy Swanson caused further postponement till today. As vote neared, three amendments to the measure were made... In New York, Senior District Judge John C. Knox nixed the setting of trial date in Government equity action against the majors because 20 days are required from time all answers are in, and UA and Columbia had not received D of J responses to requests for additional particulars... At week's outset, Federal Judge William Bondy approved R. C. Patterson, Jr., as chairman of the board of new RKO Corp.

ADMINISTRATIVE: MPPDA's board considered foreign situation, tele, relief, and other matters, following which huddle Will H. Hays journeyed to Frisco where he told National Education Assn. convention that the pix industry in three-year experiment will make 590 shorts, valued at some \$10,000,000, available to U. S. schools.

PRODUCTION: In an exclusive story, THE FILM DAILY told the trade of plan of six New York stage producers to produce current Broadway

shows and numerous properties they own at the Eastern Service Studios during next few years... Herman Wobber, 20th-Fox distribution chief, disclosed an additional 10 per cent boost in company's 1939-40 production budget... Encouraged that revisions can be effectuated in Dramatists' Guild basic agreement, major producers interested in presenting plays on Broadway looked for resumption of such stage productions.

TRADE PRACTICES: William F. Rodgers, as distrib. spokesman, answered Allied's charges that submitted code was not the same as the one agreed upon in previous negotiations by declaring that proposed code "covers, not substantially, but wholly, every single item discussed and agreed upon with the Allied committee."

FOREIGN

FRENCH DECREE: Minimum of 150 U. S. features will gain entry into France, and be given dubbing permits during next 12 months, details of Government decree there revealed. Base total of all foreign features will be 188, plus a contingency block of 12. Hence Hollywood is assured of dominant position in France, as heretofore, with position even strengthened.

20th-FOX GAINS: Return of Walter J. Hutchinson, 20th-Fox foreign distribution director, brought news, following a three-month trip to Europe, Brazil and Trinidad, that company's foreign biz is at new top... Australian convention of 20th-Fox in the Antipodes will be held Aug. 24-26 in Sydney.

BRITISH COME-BACK: London cables told of checkup which showed 50 or more pix either in production or active preparation in England's studios, thus demonstrating that a real come-back is on the way there.

N.S.W. QUOTA: The quota provision in the New South Wales films bill calling for 15 per cent British representation by all exhibs. in State is effective as of July 1.

Interstate House Opens

San Antonio — Interstate's new Broadway, erected at a cost of \$100,000 and seating 1,000, opened Friday. Pettigrew & Worley, Dallas, were the architects. Interstate also is erecting a \$125,000 house in Houston. Second house to cost same sum is under way there for the River Oaks Corp.

Eckhardt Wins Tourney

Chicago—Jack Eckhardt won the 20th Century-Fox golf tournament at Big Oaks Golf Club. Carl and Vic Carlson were runners-up.

TMAT-5 Boro Talks Continue

Negotiations between the Theatrical Managers, Agents and Treasurers union on terms of a contract with the Five Boro circuit will be continued tomorrow. Friday's meeting was adjourned, with union executives reporting that they expected to reach an agreement shortly.

Rep. Branch Expanding

Detroit—Republic Pictures is nearly doubling size of the present offices by taking over the adjoining suite of offices formerly used by Monarch Pictures (now Excellent).

CONN. INDIES SEEK LOWER PIX RENTALS

(Continued from Page 1)

al prices, charges unnamed distributors with "forcing the sale of shorts and newsreels, contrary to the spirit of the code they offer to the trade."

Campaign stems from the statewide closed meeting of indie theater owners and operators here on June 27. The largest attended exhib. rally in several years here, the meeting

"I know of no instances where coercion allegedly has been employed in the selling of shorts and newsreels, nor have any cases involving such allegations been brought to my attention. My thought is that the matter of rental reduction is one for individual negotiation between exhibitor and distributor."—W. F. Rodgers, spokesman for the Distributors Negotiating Committee.

adopted a "demand" resolution, copies of which are to be sent to distributor home offices as well as to the Department of Justice at Washington.

Significantly, the resolutions bear the signatures of both Irving C. Jackoks, Jr., as president of the Connecticut MPTO, and Maurice Shulman as president of Connecticut Allied.

It is local exhibitor opinion that the D of J will be especially interested in the charges that, despite distrib. pledges, forced selling of shorts and newsreels is being attempted. Resolution asserts "we will not be coerced, directly or indirectly, into the buying of shorts and newsreels."

Indies who attended the meeting report that everywhere in Connecticut exhibitors are alarmed at the definitely poorer grosses as compared to previous Summers, and "the grave problem produced by higher rentals in the face of business conditions." Determined to act for reduction in rentals, exhibitors state their stand is dictated only by their desire "to stay in business."

Hartford, Conn.—Harris Brothers have reduced operation of the 4,000-seat State Theater to Saturday and Sunday only through the remainder of the Summer. The house ran full time last year.

Producers-52 Agree on Pact

Meeting of Local 52, studio mechanics, and producers Friday in Pat Casey's New York office wound up with agreement reached on all principal points of a new contract, with final step to be taken tomorrow night when the unions membership votes on ratification of the pact.

Cotton Worries Gulf Area

New Orleans — The Gulf States film industry is getting the jitters over the cotton situation in both Mississippi and Louisiana as the result of reports indicating too much rainfall in the cotton areas.

Setting Up of State Code, Objective of N. Y. Allied

Empowers Committee of Five to "Conclude" Satisfactory Document

(Continued from Page 1)

Max A. Cohen, unit's prexy, and covering the action taken behind closed doors the preceding day at a meeting in Syracuse attended by more than 100 exhibs.

Distributor reaction to the unique move, which came as a distinct surprise, was not ascertainable at the week-end, while in Washington, Abram F. Myers, Allied's board chairman and general counsel, told THE FILM DAILY:

Only the Board of Directors can define national policies and no meeting is scheduled. However, I had supposed that there was nothing further to negotiate about at this time as Kent, Rodgers and others have taken the position that no further changes in the proposed Code will be made and that it will be put into effect regardless of action by exhibitor bodies."

Myers added, "I hope you will be able to clear this up for the information of all concerned."

The Code was withdrawn from Allied's consideration at the Minneapolis convention by W. F. Rodgers, acting for the Distributors' Committee, and it was stated at that time there would be no further negotiations with Allied as an organization. The New York unit is the first to withhold formal endorsement of the national convention's action in rejecting the Code.

Empowered to "Conclude" Pact

Keen interest was manifested in the fact that in disclosing the appointment of its own negotiators—Max A. Cohen, chairman; Rapp Merriman and Lionel Grossman, both of Syracuse; Mitchell Connery of Ravenna and Ray Pashley of Interlaken, with H. Laurence of Cattaraugus as alternate—New York Allied stated they were empowered to "conclude" negotiations with the distribs.

It was pointed out that this apparently precluded the reference to National Allied of any pact which might develop should the distributors accept the overtures.

As phrased by the unit, the press release read:

"At a state-wide meeting of New York Allied held at Syracuse, N. Y. July 6th, in view of the rejection of the proposed Fair Trade Practice Code by the National organization at Minneapolis, the members present

Twilight Horse Racing Worries Detroit

Detroit—Twilight horse racing at the State Fair Grounds, five nights a week, is cutting into early evening show business, especially up to the last show and, as a result exhibs. are worrying.

Brooklyn Para. in Deal With WOR for Air Show

(Continued from Page 1)

program for the American Beverage Corp. (Cel-Ray) will air direct from the stage of the Paramount every Monday.

Another radio show, "Amateur Hour," sponsored by Michael Brothers' department store, has been broadcast over WMCA, New York, for the past four or five years from the stage of the Fox Theater. Venuta's first airing from the Paramount will take place tonight and continue for an indefinite period.

Although 400 loge seats will be donated free to holders of tickets to the broadcast, it was said that Fabian expected to make up this loss through increased audiences in other parts of the house. Radio show ticket holders will be entitled to see the picture currently showing, while others will take in both stage and screen feature for the regular 50-cent admission price.

reaffirmed the New York unit's oft repeated policy of doing all within its power to keep negotiations alive and thus endeavor to eventually bring about proper and adequate regulation of the industry from within.

"New York Allied feels this can and should be done, and, therefore, meeting resolved and directed that a committee of five be appointed to confer with the Distributors' Committee for the purpose of evolving a Fair Trade Practice Code for the State of New York. This committee was authorized and empowered to conclude negotiations with the Distributors in the event that a satisfactory document could be evolved which would embody with definite clarity the intent of the proposed code reached at Chicago.

Cohen to Head Negotiators

"The committee appointed consists of Max A. Cohen, chairman, Rapp Merriman and L. Grossman of Syracuse, Mitchell Connery of Ravenna and Ray Pashley of Interlaken, with H. Laurence of Cattaraugus as alternate.

"It was also resolved and ordered that membership books of the organization be officially closed as of September 1st, 1939 and that on and after that date any independent exhibitor deserving admission to the organization would be obliged to pay an initiation fee of \$50.00 per theater.

"The meeting was highlighted by the unofficial visit of Fred Meyers of RKO and Meyer Schine who dropped in for an informal greeting."

Survey Shows Pix Major Target for Censorship

(Continued from Page 1)

United States, which has just been published.

"By far the most numerous instances of censorship during the year concerned motion pictures," according to the Union. "The films censored by the state boards in seven states, and by the police censorships in Chicago, Detroit and Madison, Wis., and by unofficial police censors elsewhere, were either foreign films or those independently produced in the United States."

Among the films banned or cut were "Professor Mamlock," an anti-Nazi picture which ran into difficulties in many cities but was usually released after protest; the pro-labor "Millions of Us," ordered deleted in Ohio; "Birth of a Baby," barred in New York and Virginia; "Blockade," banned in many cities "under pressure of Catholic agencies," and the Russian film "Baltic Deputy" banned in Pennsylvania but later released. The showing of the French films, "Remous" and "The Puritan," were also prevented in New York. In Denver, an exhibitor was fined \$1,400 and sentenced to 120 days in jail for showing the old film, "The Birth of a Nation."

Poland Abrogates Film Treaty with Germany

Warsaw (By Cable) — On the grounds that Germany failed to fulfill its film engagements with Poland, as specified in an understanding signed in December, 1937, the Polish Chamber Syndicate of Theaters has decided to abrogate the mutual Polish-German treaty.

The Chamber has decreed that no theater may show a German feature or a picture with German dialogue under heavy penalty or permanent closing of the offending theater.

The decision was taken because, during the past seven years, only seven Polish pictures were acquired by the Reich of which only one was shown, while Poland showed 51 German pictures.

Dufaycolor Pix for GN

London (By Cable)—The first feature picture to be made in Dufaycolor, "Sons of the Sea," which Maurice Elvey will direct for British Consolidated, will be distributed by Grand National. Leslie Banks is the star. British Admiralty is co-operating.

Lincoln in the Lead

Lincoln, Neb.—This town has more operating theaters in the downtown area than any other town in Nebraska. Seven out of eight houses are lighted.

CHI. CONTEMPT SUIT TRIAL OFF TO SEPT. 5

(Continued from Page 1)

array of counsel, headed by Special Assistant Attorney General Robert Wright of Washington, D. C., sought to establish that various film companies controlling theaters in other key cities favored B & K, controlled by Paramount, because Paramount favored them similarly in those cities where the other companies were leaders.

Defendants' attorneys, on Government request, had submitted list of theaters owned or controlled by their clients in other key cities. Wright contended this list proved the division of territory by the film companies and distributors.

Frederick Burnham, appearing for Loew's, objected, contending the theater lists from other cities had no connection with the Chicago situation and, if permitted to be brought into case, would prolong it indefinitely as the defendants would seek to prove in each city, there was no connection.

Eldredge said he would take matter under consideration and give his decision in about 10 days.

Aaron Jones, Sr., on the stand Friday, submitted a list of films released by major companies during the past four years, and continued his testimony on the inability of Jones, Linick & Schaefer to secure suitable films for Jones Loop theaters, due to the alleged B & K domination. Jones said out of 356 films issued last year, 160 were of "A" quality.

Gov't Attorneys Going to O. C. on Pending Anti-Trust Suit

Oklahoma City — Robert Wright and Seymour Simon, special assistants to the U. S. Attorney General, arrive here early this week from Chicago in connection with the Government's pending anti-trust suit against the Griffith interests and the majors. Their advent strengthens the report that the Government proposes to press for trial without delay.

Alger Using Gift Nights

LaSalle, Ill.—The E. E. Alger circuit is using Gift Nights twice a week.

'Shoot' 'Spy' Patrons

London (By Cable)—Allegation that Germans were trying to get pictures of patrons attending "Confessions of a Nazi Spy" at the Warner Theater here was made by John Parker, M.P., in a question in the House of Commons put to Sir Samuel Hoare asking if he was aware of the incidents and whether the cinemagoers were refugees and whether such interference could be prevented as it was likely to lead to a breach of the peace.

All-Femme Theater

Vidalia, La.—All-girl bands may be quite the thing, but an all-girl theater is something new this town can boast of. The Rendezvous here, owned by E. L. Morel of Natchez, Miss., across the river, has a woman ticket taker, women ushers, a woman manager and—a woman projectionist. This last is Mrs. W. L. Leigh, wife of a former tent film house operator.

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 6

NEW YORK, TUESDAY, JULY 11, 1939

TEN CENTS

Warners Planning Five British Multiple Quota Films RADICAL BERNE CONVENTION CHANGES, MPPDA GOAL Mary Pickford Returns With British Production Plans

Tele and Pix ... think it over

By CHESTER B. BAHN

Ever there was an industry problem that called for the best thought all the way round, it's that which has to do with film availability for television.

Two of the majors—Metro, through Sam Eckman, U. K. sales chief, and 20th Century-Fox, through Herman Wobber, general manager of distribution—have definitely indicated they will not permit their pictures to be telecast; whether all other majors will similarly turn a cold shoulder to television, however, is by no means assured.

Paramount, for instance, has an application pending with the FCC for a Coast experimental station, a further move in line with its alliance with DuMont. On the other hand, RKO Radio recently advised New Jersey Allied in reply to a squawk that its "efforts to understand and keep abreast of developments in the field of television are toward the end of protecting and co-ordinating our joint interests," and that the telecasts of a "Gunga Din" trailer were merely "an experiment with a new medium of exploitation for feature product."

AND Warners, with a toehold in television via Transamerican, still more recently disposed of its holdings in that company, thus presumably indicating a narrowing of its interests to films.

Yet these disclosures of varying company policy by no means solve the problem, witness the fact that NBC's weekly tele programs include feature films leased from indie distributors and that deals for still more such product are in the course of negotiation.

What has transpired to date in this connection clearly establishes that anything approaching a united industry front on pix availability for television is out of the question and that if some companies, to protect exhibitor interests, withhold films, others propose to supply them if there is a continuing market.

INDEED, it is not inconceivable that eventually there will develop a wholly new branch of this industry devoted to the production and marketing of films tailored to

(Continued on Page 2)

"The Bat" to be Her First; May Do "Dorothy Vernon" in Hollywood

Facilities of Alexander Korda's organization at Denham will be utilized shortly after the first of the year by Mary Pickford, who expects, she revealed upon her arrival from Europe yesterday, to produce in England her personally owned property, "The Bat," one of the most successful in the long list of erstwhile Broadway stage thrillers.

This film, according to plans which have already taken definite shape, will, she said, carry an ade-

(Continued on Page 4)

SCANDINAVIA TURNS AGAINST U. S. "B'S"

Popularity of quality French production in the Scandinavian countries is causing the "freezing out" of U. S. "B" pix in those lands, it was asserted yesterday by Arthur Hornblow, Paramount producer, as he

(Continued on Page 6)

Quebec Theaters Reopen After 5 Weeks' Tax "Strike"

Quebec—Closed for five weeks owing to the 10 per cent amusement tax imposed by the City Council, 11

(Continued on Page 6)

Warners to Reduce British Quickies, Make Strong Multiple Quota Features

AFA Mismanagement Trial Will Be Continued Today

AFA mismanagement trial by the AAAA continues today, despite the walkout yesterday by Sophie Tucker, Ralph Whitehead and Abraham Hal-

(Continued on Page 4)

Yale Hears Arnold Will Leave D of J

New Haven—Thurman Arnold, generally regarded as the sparkplug of the Government's anti-trust drive against the film industry, will leave his post as Assistant Attorney General "within the year," it was

authoritatively reported in Yale University circles here yesterday. Arnold will resign to resume as professor of law in Yale's Law School, if not when college reopens, then for the second semester, it was said. Latter starts in February, next.



THURMAN ARNOLD

CAPRA AND RISKIN WILL FORM OWN CO.

West Coast Bureau of THE FILM DAILY

Hollywood—Frank Capra yesterday announced that he and Robert Riskin will organize their own producing company, to be known as Frank Capra Productions. Incorporation papers will be filed immediately but no release outlet has

(Continued on Page 6)

Kilroe Sailing to Conduct Copyright Sentiment Survey in Europe

Edwin P. Kilroe, representing the MPPDA's copyright committee sails tomorrow on the Normandie to make a survey of European sentiment with reference to the conference to be held in Brussels in the Spring of 1940 to amend the Berne Convention.

Kilroe will confer with foreign office officials in London, Paris, Brussels and Berne to ascertain the probabilities of having radical changes made in the Berne Convention at the Brussels Conference.

"There is a feeling abroad as well as here that the Convention should be revised so that the rights

(Continued on Page 6)

NEELY EXPECTS ACTION ON HIS BILL THIS WEEK

Washington Bureau of THE FILM DAILY

Washington — Denying published reports that his block-booking bill would be held over until the next session, Senator Matthew M. Neely told THE FILM DAILY yesterday the measure would definitely come up this session and would be acted on

(Continued on Page 6)

Sales Managers to Resume Clearance Talks Tomorrow

Major company's sales heads met yesterday for the purpose of considering changes in the clearance phases of the proposed trade practice code.

(Continued on Page 6)

No UA Prexy

No election of a president of UA is contemplated as far as she knows, Mary Pickford asserted yesterday on her return from Europe. She added that if the post were offered to her she would "decline with thanks," as UA owners are "delighted with Murray Silverstone," and the executive setup is to remain in status quo.

THE NEWSPAPER OF FILM DOM
The Film Daily
ALL THE NEWS
ALL THE TIME

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CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)	8 5/8	8 3/8	8 5/8	- 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/8	1 1/8	1 1/8	- 1/8
Con. Fm. Ind. pfd.	9 3/4	9 3/4	9 3/4	+ 1/4
East. Kodak	164	164	164	+ 1/4
do pfd.				
Gen. Th. Eq.	11 1/2	11 1/2	11 1/2	+ 1/4
Loew's, Inc.	41	41	41	- 1/8
do pfd.				
Paramount	8 3/8	8 3/8	8 3/8	
Paramount 1st pfd.				
Paramount 2nd pfd.				
Pathe Film				
RKO	15 1/8	15 1/8	15 1/8	- 1/8
20th Century-Fox	18 7/8	18 7/8	18 7/8	+ 1/8
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	4 1/4	4 1/4	4 1/4	+ 1/8
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/4	100	100 1/4	
Loew's deb. 3 1/2s46				
Para. B'way 3s55	52	52	52	+ 2
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	88 1/4	88	88	- 1/4
RKO 6s41	66 1/8	66 1/8	66 1/8	- 3/8
Warner Bros.' cv. 6s39				
Warner Bros.' dbs. 6s48	92	90	90	- 1

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 3/8	1 1/4	1 1/4	- 1/8
Technicolor				
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 1/2	5
Loew's Thea. Realty 6s 1st '47	99 1/2	101 1/4
Met. Playhouse, Inc. 2nd deb. '45	68	70
Roxy Thea. Bldg. 4s 1st '57	65 3/8	67 3/8

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WITH PHIL M. DALY

● ● ● ROLLING UP a strong \$14,000 for the week-end....."Man About Town" will close its second week at the New York Paramount today with an estimated take of \$40,000.....according to announcement by Manager Bob Weitman.....further reports to the home office of Paramount on the Jack Benny-Dorothy Lamour starring vehicle at key spots show.....at the Newman in Kansas City, closing first week with 85 per cent above average weekly biz.....at the Albee in Cincinnati it rolled up the biggest week-end gross of any Paramount pic since "Double Or Nothing" in Oct. 1937.....and these encouraging reports are duplicated in many other key spots, where "Man About Town" is 'way out in front on b.o. top figures for months back.....proving that there is no such thing as Summer slump when the product is right.....

● ● ● UPROARIOUS welcome.....staged by the British public on the occasion of the return of King George and Queen Elizabeth from Canada and the United States, was by no means the exclusive triumph of their Majesties.....according to Mary Pickford, arriving yesterday on the Normandie.....she declared that the London crowds used the homecoming as an opportunity to show their admiration for Joseph P. Kennedy, former film solon and currently U. S. Ambassador to the Court of St. James.....

● ● ● SMASH souvenir number of the RKO Radio house organ Flash has been put out by Editor Harry Gittleman.....devoted to the company's recent sales convention.....60 pages, printed in offset, including a giant panorama photography of the entire delegation.....bound with a four-fold and perforated so that it may be removed for framing.....a pictorial done in Life mag style.....swell photographic candid camera shots by Joe Heppner.....

Tele and Pix

... think it over

(Continued from Page 1)

commercial television's special requirements. Thus the question may be raised, shall the industry as now constituted develop that branch, or shall the potentially highly lucrative field be left to others—radio interests, advertising agencies, producers of sponsored reels, etc.

There is, frankly, no attempt to present a solution here; the object, at the moment, is to suggest that, like it or not, the problem exists and must be faced, if not today, most certainly tomorrow.

So think it over.

306 and World's Fair Exhibitors In Agreement

Agreement between Local 306 and World's Fair exhibitors using motion picture projectors was reached over the week-end, it was learned yesterday. Under the pact, operators of automatic 16 mm. projectors will receive \$12.28 for a six hour day while operators of 35 mm. standard machines will continue to receive \$16.83 for a six hour day. Negotiations have been in progress for several weeks.

Metro's Chatain Arrives Today Via Yankee Clipper

Louis Chatain, member of the board of M-G-M's organization in France, arrives in New York today aboard the Yankee Clipper.

He is said to be the first European to make the crossing via the newly-established trans-Atlantic air route.

While here, Chatain will confer with Arthur Loew, Metro's foreign department head, and also spend a vacation.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 11
Walter Wanger
Sally Blane

COMING AND GOING

WILL H. HAYS, film industry administrator, has arrived in Hollywood from San Francisco.

LOUIS CHATAIN, board member of M-G-M's French company, arrives in New York today on the Yankee Clipper.

DAILEY PASKMAN, special rep. for E. D. Marks Music Corp., arrived in New York yesterday from the National Ass'n of Broadcasters' convention in Atlantic City.

CHARLES (Buddy) ROGERS, accompanied by his wife, MARY PICKFORD, arrived in New York yesterday from Europe on the Normandie. He is en route to Pennsylvania, Tennessee and Michigan to fulfill orchestra engagements. Miss Pickford will remain in New York until early August.

HERBERT WILCOX, British producer, who arrived in New York yesterday on the Normandie, leaves today for the Coast.

BILLY WILKERSON, publisher of the Hollywood Reporter, arrived from Europe yesterday on the Normandie.

ARTHUR HORNBLow, Paramount producer, who arrived from Europe yesterday, leaves for Hollywood today, accompanied by his wife, MYRNA LOY who returns to the M-G-M studio to be co-starred with William Powell in a new "Thin Man" picture.

WILLIAM C. GEHRING, Central division sales manager for 20th Fox, left New York for Chicago yesterday.

DONALD M. MERSEREAU, general manager of THE FILM DAILY, returns today from Atlantic City.

BETTE DAVIS plans a six weeks' New York and Cape Code vacation.

BURGESS MEREDITH arrives on the Coast tomorrow from New York.

NED E. SECKLER, RKO home office representative for Cuba, has sailed for Havana on the Oriente.

MAURICE BERGMAN of Columbia returned yesterday from the Coast.

JOHN CONSIDINE, M-G-M producer, is here from the Coast.

OSCAR SERLIN, producer of "The City," is back from Hollywood.

RALPH DOYLE, RKO's managing director in Australia, left yesterday for Los Angeles on the first leg of his return trip to Sydney, sailing July 19 on the Monterey.

I. E. LOPERT of Juno Films left for the Coast yesterday.

EARL WINGART, 20th-Fox publicist, returned to the home office yesterday following two weeks' vacation.

BERT MAYERS of Fitelson & Mayers is on the Coast.

FRANK ORTEGA, editor of Cine-Mundial, and his daughter, EVE, have arrived on the Coast from New York.

HAL B. WALLIS, exec. producer for Warners, and MRS. WALLIS (Louise Fazenda) who arrived yesterday on the Normandie from Europe left last night for the Coast.

JACK LEWIS of the RKO publicity office is in Los Angeles on vacation and visiting his mother.

BERT LAHR is in New York, having completed his role in M-G-M's "Wizard of Oz."

EDWIN P. KILROE, representing the copyright committee of the MPPDA and copyright advisor to 20th-Fox, sails tomorrow on the Normandie for Europe.

BERT REISMAN, RKO manager for Peru, has sailed on the Santa Rita for his headquarters in Lima.

MAX GOMEZ, Mexican manager for RKO who came to New York for the sales convention, has sailed for Mexico City on the Siboney.

THE THEATRE

"A MUST, GO ENJOY IT" —Walter Winchell

I MUST LOVE SOMEONE

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LOLA LANE • GALE PAGE

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Jack L. Warner In Charge of Production • Hal B. Wallis Executive Producer • Henry Blanke Associate Producer

YES! YES! YES!
IT'S **WARNERS** AGAIN!

And again with CAGNEY against
RAFT in 'EACH DAWN I DIE'! Next!

PICKFORD TO PRODUCE "THE BAT" IN BRITAIN

(Continued from Page 1)

quate budget to assure its quality and subsequent box-office success, and will be released through UA, possibly for the 1939-40 program, although shooting is scheduled for the Spring of 1940. She has no intention of placing it before cameras until meticulous care has been taken on script preparation.

Discussing script "preparedness," she expressed the belief that a considerable increment of unnecessary Hollywood expense has sprung from rushing features into work too rapidly.

Hollywood stars, she said, will be employed for "The Bat," and subsequently she is planning to produce the play's sequel, "The Bat Whispers."

Another property which she owns, "Dorothy Vernon of Haddon Hall," in which she appeared under UA's banner in 1924, is viewed by her as a distinct probability for production in the near future. It is her view that this story should be made in color as a musical, and she visualizes Jeanette MacDonald and Nelson Eddy in the leads.

Miss Pickford asserted that British and Swiss capital is available should the film be made in England, but there are certain advantages to be gained by Hollywood production.

In the making of any of her future productions, she said, a 20 per cent contingency item will be added to expected costs.

Shortly after Aug. 1, she expects to fly to Hollywood. In the interim, she will stop at the Sherry-Netherland. Early next January she and her husband, Charles "Buddy" Rogers return to England.

Business in the U. S. precluded her remaining in England for the UA convention in London which opened last Friday.

"Buddy" Rogers To Resume Film Career In England

Charles "Buddy" Rogers, who arrived in New York from Europe yesterday on the Normandie to fulfill engagements with his orchestra in Pennsylvania, Tennessee, Michigan and New York, is formulating plans for a further argosy in films early in 1940, at which time he expects to return to England to accept offers which have been made to him by producers there.

It is disclosed that while in London recently, Rogers was approached both by Alexander Korda and Gabriel Pascal, each of whom opened negotiations with him for a lead role.

Rogers denied yesterday that he is organizing a new orchestra, and suggested that report might have arisen through a few major changes he had made in the present outfit.

During his stay abroad he visited, accompanied by his wife, Mary Pickford, 14 countries by plane.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the fourteenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments is recommended.

Installment No. 14

Withdrawal Because of Others: If a distributor or the operator of a substantial number of theaters withdraws from the Code, any other person who has signed may also withdraw at the end of the same exhibition season by giving written notice prior to the end of that season.

Other Reasons for Withdrawal: There are two other reasons which justify withdrawal from the Code. They are:

(a) **Inconsistent Legislation:** If laws are passed which are inconsistent with the Code, or require a substantial change in the method of carrying on business, anyone who signed the Code may withdraw from it, but only in the territory governed by such legislation; or

(b) **Illegality of Code:** If any Court declares the Code illegal, or invalid, or issues an injunction against it or against the clause of any contract substantially identical with a clause in the Code, or requires a substantial change in the method of carrying on business, then withdrawal from the Code is justified.

Rights of Others to Withdrawal: If any distributor or operator of a substantial number of theaters withdraws from the Code because of inconsistent legislation or Court orders (as specified in subdivision a and b above), then any other person who signed the Code may withdraw whether such legislation or judgment affects it or not.

Notice: In case of such withdrawal, written notice must be given to distributors, organized groups of exhibitors and Secretaries of Permanent Arbitration Boards in the Exchange Territory where business is transacted.

(Fifteenth installment will appear tomorrow.)

Theatrical Unions Plan Consumers Co-operative

Preliminary studies are being made looking to formation of a Consumers Co-operative that would utilize the joint buying power of 100,000 members of leading theatrical unions to substantially reduce the living costs of these workers in the amusement crafts, it is announced by Paul N. Turner, counsel for the AAAA.

The participating unions include besides the AAAA, parent body of the organized A F of L actor unions are Local 802, A F M, Local 1, IATSE, SAG, American Federation of Radio Artists, Actors' Equity Association, American Guild of Musical Artists, TMAT Union and Chorus Equity Association.

Following an initial meeting at the offices of the Four A's, it was generally felt by those present that a Consumer Co-operative organization could be created which would reduce living costs and serve as a clearing house for information to enable the purchase of quality products at minimum cost. It was said William Green, A F of L prexy, was personally interested.

The co-operative, when formed, would initially be set up in New York City and then extended to Chicago, Los Angeles and San Francisco, Turner said.

V & E Close the Praga

Chicago—The Praga theater of the Veskná and Elinek circuit has closed for the summer months.

AFA Mismanagement Trial Will Be Continued Today

(Continued from Page 1)

prin, respectively prexy, executive secretary and counsel for the AFA.

Walkout was preceded by the AFA charge that two groups of delegates to the AAAA international board—SAG and AFRA—had strings attached to them through provision that their delegates have an Equity okay. Ken Thomson, for SAG, testified the agreement had been terminated in February; Mrs. Emily Holt, for AFRA, similarly stated the arrangement had been terminated.

Paul Turner, AAAA counsel, branded the walkout a "subterfuge" and charged AFA was resorting to an "empty legal quibble to justify its stand." Halprin announced he would prefer charges against the AAAA with the A F of L, claiming charter violations.

Bernard J. Reis, CPA, accountant for the AAAA investigating committee, was on the stand yesterday afternoon.

Industry Short Wave Com. To Hold Meeting Today

A meeting of the ways and means committee of advertising and publicity heads for fostering dissemination of industry publicity via short wave to South America and Europe will be held today at the MPPOA office, Charles E. McCarthy is chairman of the committee.

WB PLANS 5 BRITISH MULTIPLE QUOTA PIX

(Continued from Page 1)

stronger pictures aimed at capturing virtually world-wide grosses, it was disclosed by Hal B. Wallis, WB's associate executive in charge of production at Burbank, as he arrived from Europe on the Normandie, accompanied by his wife, Louise Fazenda, and their son, Brent.

Wallis said that there has been no merger of First National and Warner exchanges in England, as far as he has heard, but characterized the reported step as "a logical one."

While in London, Wallis conferred with Sam Sax, Warners' production head at Teddington, with respect to scripts, two of which Wallis brought back with him for approval. One is "This Man Reuter," an original by Valentine Williams, which, reports have said, may be allocated to Paul Muni; the other is the story of Samuel Cunard.

The Teddington policy, Wallis said, will be the making of multiple quota pix, probably five as a minimum for the new season, each utilizing Hollywood stars and players, and each with budgets commensurate with top Hollywood attractions.

Wallis said that "Confessions of a Nazi Spy" is doing a huge business in England, and may gross more than a million in the U. K. alone. He informally estimated the picture would clock at least that sum in other sections of the world despite the fact that some countries are not prospects for the picture.

He also asserted that "Confessions of a Nazi Spy" opened simultaneously in three Paris houses last week to huge business, and that "Dark Victory" is very big in the U. K. and on the Continent.

Warners, he added, may make another film on contemporary Germany, "Underground."

The Warner offices and studio staffs overseas, Wallis said, are looking forward to the impending visit of Jack L. Warner, vice-president in charge of production.

Foreign audiences, he cited, are highly responsive to biographical films, and several outstanding properties in this classification will be made at Teddington and Burbank.

Wallis left for the Coast last night.

Gehring In Chi. to Work on B & K Product Deal

William C. Gehring, central division sales manager for 20th-Fox, left the home office yesterday for Chicago to attend confabs on the Sidney R. Kent Drive and work out a new deal with B & K for 20th-Fox product for the new season.

Te returns early next week.

The pride of New York's
theatre district as it rides
the crest of the six-day heat
wave and is HELD OVER for...

*3rd week
at Romy!*

SECOND FIDDLE

*The show that
licked the World's Fair!*



THE KEYSTONE
OF YOUR FUTURE

COPYRIGHT CHANGES IS GOAL OF MPPDA

(Continued from Page 1)

and obligations are fully set forth in the document itself and nothing left to the national laws of each country," Kilroe said yesterday. "These rights should be in force in every country of the Convention. Under the present Convention, the remedies are left to the laws of the country in which the rights are claimed. If the United States adheres to the Berne Convention before the U. S. Copyright Act is revised, it will play great havoc with many large industries."

Kilroe will obtain the viewpoints of the representatives of the English-speaking countries, France, Italy and other European countries on many important propositions for changes in the Berne Convention. These include:

1. Limitation of restrictions in the moral rights clause. (Without the right to re-arrange, adapt and change the stories and music, the pix industry cannot operate, Kilroe points out. Thousands of stories and plays would have to be cast aside since changes for censorship or other reasons could not be made.)
2. Elimination of oral copyright clause.
3. Reservation of certain rights in works which are now in the public domain but would be protected upon the adherence of the U. S. to the Berne Convention.
4. In accordance with American law, making the producer of a film the author instead of accrediting authorship of this motion picture to many participating in its production, including the writer of the screen story.

Kilroe, acknowledged as one of the world's leading authorities on copyright law, made a similar survey of copyright and Berne Convention conditions in Europe in 1936.

In addition Kilroe, who is copyright adviser to 20th-Fox, will be interested in the following:

A. Participation in the preparation and argument of the appeal in the Privy Council in England in the "Man Who Broke the Bank at Monte Carlo" case, involving question of the right to use titles in Canada.

B. Twentieth-Fox has sued in Holland a Dutch motion picture producer for making a motion picture based on the novel "Daddy Long Legs," pix rights

Spain "Opening Up"

Even though the Spanish market currently is only a small outlet for U. S. distribs., because of the necessarily great task of rehabilitating the country in wake of the long and costly civil war, Spain shows signs of "opening up" anew to American film product and should develop slowly but surely into a profitable field. Mary Pickford disclosed upon her return from Europe yesterday aboard the Normandie.

News Flashes from Coast Studios

West Coast Bureau of THE FILM DAILY

Hollywood—Yesterday in the studios: 20th-Fox assigned Nancy Kelly opposite Don Ameche in "Swanee River," set Henry Fonda, Alice Faye and Richard Greene as co-stars in the re-make of "Little Old New York" and announced "20,000 Men a Year," aviation comedy-drama, for quick production Walter Wanger signed Ralph Graves for "Eternally Yours"; upon its completion, Graves turns associate producer at 20th-Fox Charlie Ruggles may get a role in RKO's "Hunchback of Notre Dame"; deal is on the fire Warners will star Edward G. Robinson in the George Broadhurst stage hit, "The Man of the Hour" Paramount plans Technicolor treatment for "Typhoon," co-starring Dorothy Lamour and Robert Preston.

Frank Capra, Robert Riskin to Form Own Producing Co.

(Continued from Page 1)

been decided upon at the present time. Riskin, who recently resigned from Samuel Goldwyn, Inc., Ltd., leaves Hollywood today for a vacation in New York and Europe, while Capra remains here to ready, "Mr. Smith Goes to Washington," recently completed for Columbia release.

The team of Capra and Riskin worked together on such successes as "It Happened One Night," "Mr. Deeds Goes to Town," "Lost Horizon," and "You Can't Take It With You."

Montreal German Club Fined on Film Charges

Montreal—German Harmonia Club was fined \$500 and costs by Judge Guerin in Police Court for showing the allegedly Nazi film "Pour le Merite," in the club April 25 without permission from the Provincial Board of Censors. An additional fine of \$50 and costs was levied on the Club for failure to collect the amusement tax from the spectators who were charged admission.

to which are owned by the U. S. major.

C. Conference with representatives of the French Government and the French Authors Society on changes to be made in the proposed French Copyright Law which is now pending in the French Parliament, and will come up for a vote in the House of Deputies in the autumn.

D. Kilroe is to take testimony in two actions involving international copyright in London and in Budapest.

Copyright to be at Fore At Broadcasters' Convention

Atlantic City—That the question of copyright will be one of the main topics to engage the attention of the National Association of Broadcasters in convention here seems certain following the meeting yesterday of newspaper-owned stations, with Campbell Arnoux of WTAR presiding.

An effort was made last night at the copyright committee supper meeting to iron out some of the squawks that have arisen. General fear was that the present Ascap contract might prevail.

Rewritten code was finished last night and it is expected that it will be adopted basically as written despite antagonism to it.

Scandinavia Rejects U. S. B's for French Features

(Continued from Page 1)

returned to New York yesterday on the Normandie, accompanied by his wife, Myrna Loy.

Hornblow said that top-quality Hollywood productions are still dominant in the Scandinavian field, but audiences,—and consequently exhibitors, as the result of patron tastes,—have veered away from American "B" films because the better type of French picture is more satisfying.

Accordingly, on dual bills, it has become a common occurrence to see a big Hollywood feature teamed-up with a big French attraction.

Hornblow stated that he and Miss Loy will leave New York today for Hollywood where he will supervise final cutting of "Cat and the Canary," and complete work on the script of his next feature, "Triumph Over Pain," while Miss Loy will commence work on the third of "The Thin Man" series for M-G-M.

"Nurse Edith Cavell" Will be Music Hall August Pix

"Nurse Edith Cavell," the Wilcox-RKO feature, is scheduled to open the second week of August in Radio City Music Hall, it was asserted yesterday by Producer Herbert Wilcox as he arrived on the Normandie from England, where he spent two days on a virtual "commuting" trip from the U. S. to make arrangements for his next British production which will be filmed in Scotland and based upon the Scottish Rebellion, with Anna Neagle in the star role.

Wilcox leaves New York today for RKO Radio's Coast studios to put music in "Nurse Edith Cavell."

He said that he plans to make two features in Hollywood and two in England during the next few months.

In mid-August he returns to London.

G. H. Wilkinson, Pioneer Conn. Exhibitor, Honored

New Haven — Honoring him as Connecticut's "pioneer exhibitor," the entire New Haven film district and out-of-town film men and friends join in a testimonial luncheon to George H. Wilkinson, of the Wilkinson Theater, Wallingford, at Race Brook Country Club today. A testimonial scroll, inscribed with the names of those present, as well as other gifts, will be presented to the exhibitor. Harry F. Shaw, Loew-Poli Division Manager, will act as m.c.

NEELY EXPECTS ACTION ON HIS BILL THIS WEEK

(Continued from Page 1)

this week. It is now the first order of business for the Senate and action is likely by Wednesday, Neely said. The only order of business scheduled to precede it is Senator Harrison's social security legislation which was given the right of way by Neely.

He has no desire to interfere with such necessary legislation or other important emergency matters, Neely said, but is determined to force a showdown as soon as possible. Neely does not expect the debate to last over two days at most, he said.

Beside Senator White several other Senators are expected to make speeches on the floor in opposition.

Neely said he would not demand a record vote if a voice vote was convincing enough to leave no doubt of the sentiment of the Upper House. Reports were circulated in Washington that the opposition may seek a record vote.

While Wednesday is the "best guess" for action the bill may come up today if the security legislation does not go into extended discussion.

Quebec Theaters Reopen After 5 Weeks' Tax "Strike"

(Continued from Page 1)

Quebec theaters opened yesterday afternoon. Audiences were estimated as at about 10 per cent of a normal Summer day.

Legally the tax is still in effect, but Premier Maurice Duplessis has instructed the Council to withhold its application and has promised speedy legislation to wipe it off the statute books. Films were hurriedly rushed from Montreal over the week-end and quickly passed by the censors.

Theater operators issued a message thanking the Premier and Mayor Lucien Borne for co-operating to repeal of the tax.

Sales Managers to Resume Clearance Talks Tomorrow

(Continued from Page 1)

but no definite agreement was reached. The meeting was adjourned until tomorrow when the sales chiefs will resume their study of the issue.

Beryl Mercer Ill

Santa Monica, Cal.—Beryl Mercer, noted for her screen character roles, is seriously ill here following on operation.

STORKS!

Al Streimer, of Randforce Amusement Co., is the father of a six pound, 13 ounce baby girl born to his wife, Marion, Saturday morning at Madison Park Hospital. This makes Moe Streimer, of United Artists, a grandpa.

**LOOPING THE LOOP WITH YOUR HEART... IT'S
TAILSPIN TOMMY WITH NEW DAREDEVIL THRILLS**

**MACHINE GUNS BLAZE
IN THE NO-MAN'S
LAND OF THE AIR**

TAILSPIN TOMMY

**YOUR PAL
OF THE
SKYWAYS**

**"STUNT
PILOT"**

with

JOHN TRENT

as **"TAILSPIN TOMMY"**

MARJORIE REYNOLDS

as **"BETTY LOU"**

MILBURN STONE

as **"SKEETER"**

Produced by **PAUL MALVERN** • Directed by **GEORGE WAGGNER**
Screenplay by **SCOTT DARLING** and **JOSEPH WEST**
Original Story by **HAL FORREST**

A MONOGRAM PICTURE

"Packed with air thrills and action"—*Hollywood Reporter*

"Thrills and chills, excitement for all"—*Motion Picture Daily*

"Climbs to high level as action melodrama" —*Boxoffice*

"Good bet for action fans" —*National Boxoffice Digest*

"Worthy sequel to the initial film"—*Motion Picture Herald*

Endorsed for 19,000,000 American Catholics as **A FAMILY PICTURE!**



One of the Most Remarkable Reviews
Ever Written About a Motion Picture Is
This One in the Bulletin of THE INTER-
NATIONAL FEDERATION OF CATHOLIC
ALUMNAE, Broadcast Over 27 Impor-
tant Stations and Circulated to Catholic
Churches and Organizations Everywhere!

"FOUR FEATHERS" is the outstanding film on this week's endorsed list. A spectacle replete with thrills, something that will make you re-live emotionally all the adventure that takes place on the screen. It will have you gasping over its excitement, flinching during its horrific moments, breathlessly awaiting its unfolding and spellbound by its eyefilling pageantry. The Technicolor in this film is something that must be commented upon...fascinatingly beautiful. One is almost dazzled by the visual allure of the piece and if the story were less engrossing it might prove the most outstanding angle.

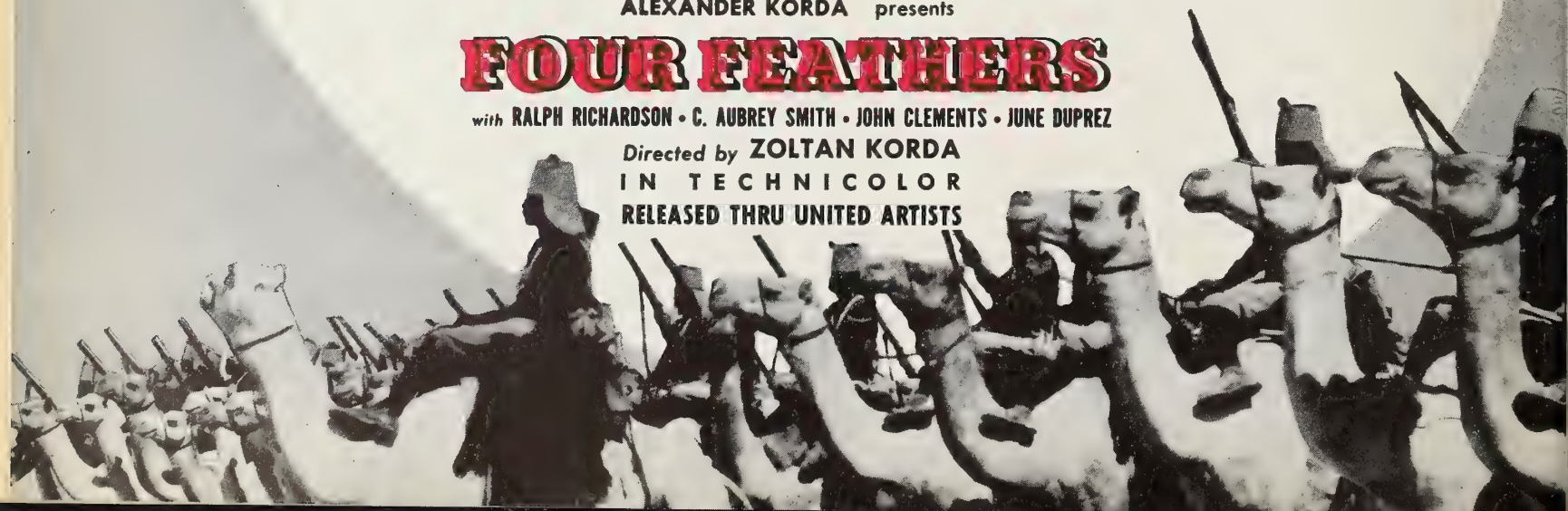
However, "FOUR FEATHERS" also boasts a grand story...so full of stirring scenes that it would be impossible to recall them all for you. For sheer spectacle, the charge of the Dervishes and Fuzzy Wuzzies on the British camp is outstanding. The hordes of men, the countless number of animals involved are things to take your breath away. Then there are scenes of battle at the fort, that terrible prison and torture chamber of the cruel native tribes. Other interesting bits show the method used to haul the Army boats up the Nile. All these interludes are surrounded by dazzling color and show. Almost every moment of this picture is filled with something that is bound to tear your emotions apart. We have endorsed "FOUR FEATHERS" for a family audience. Make it the reason for a family expedition to the theatre. You will be intrigued by a glorious two hours of adventure.

ALEXANDER KORDA presents

FOUR FEATHERS

with RALPH RICHARDSON • C. AUBREY SMITH • JOHN CLEMENTS • JUNE DUPREZ

Directed by ZOLTAN KORDA
IN TECHNICOLOR
RELEASED THRU UNITED ARTISTS



THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 7

NEW YORK, WEDNESDAY, JULY 12, 1939

TEN CENTS

Texas Allied Urges Members Not to Sign Code Individually INDUSTRY TO OBSERVE ITS GOLDEN JUBILEE OCT. 1-7 Northwest Allied Going Through With Buying Combine

Letter Going to Exhibs. Asking Them to Delay Buying Till Sept. 1

By HARVEY GOLDSTEIN
FILM DAILY Staff Correspondent

Minneapolis—Northwest Allied is going through with its plan for the formation of a giant film buying combine, according to reports here yesterday coincident with the association's convention.

Report of the buying combine step, which was expected to be one of the matters scheduled for action at the national organization's recent national conclave, indicates that Northwest Allied is determined to put this plan in force if possible, later to be—
(Continued on Page 7)

BUYING POOL IN OKLA. REPORTED AS SHELVED

Oklahoma City—The proposed buying pool plan, upon which great interest was manifest in this area a few weeks ago, is shelved definitely for the time being, FILM DAILY has learned. The complete plan was presented to a number of independent exhibitors none of whom expressed an interest in joining it at the present time.

Any action on the pool will be—
(Continued on Page 6)

Secondary Picketing Ruled Illegal in N. Y. by Court

Albany—Picketing of a business establishment because it purchased a product made by members of a rival union or by non-union labor was declared illegal by the Court—
(Continued on Page 6)

Richard Ettelson Dies; Funeral Services Today

Richard Ettelson, 46, president of Consolidated Theaters, Inc., New Jersey circuit, died yesterday morning—
(Continued on Page 6)

Oklahoma Allied Reported Disgruntled With Course Charted by National Body

By ERNEST W. FAIR
FILM DAILY Staff Correspondent

Oklahoma City—Allied Theater Owners of Oklahoma, recently organized affiliate of Allied States, is reported showing signs of rebellion against the national organization. Unit's leaders yesterday were described as "none too pleased" with the results of the Minneapolis convention last month. Some members have openly expressed their preference to sever all connection with Allied States and remain an entirely independent unit. It is understood this matter will come up for attention at the new association's first state convention here in Oklahoma City in September.

UA CLOSES PRODUCT DEAL WITH WARNERS

Warner Circuit of Theaters has closed a deal with United Artists for the latter's entire program to be released during the next two years, UA's board of directors was advised yesterday by Murray Silverstone, head of world-wide operations. Negotiations were completed by Harry Gold, vice-president—
(Continued on Page 6)

Roosevelt Quits UA Board; James Mulvey Returns to It

Resignation of James Roosevelt as a member of United Artists board of directors and the appointment of Fred Storm as Samuel Goldwyn's studio publicity director were re—
(Continued on Page 6)

N. J. ALLIED OKAYS REJECTION OF CODE

Asbury Park, N. J.—Allied Theater Owners of New Jersey yesterday approved the action of national Allied in rejecting the proposed Trade Practice Code. After a thorough discussion of the Code and its provisions, the members unanimously endorsed Allied's negotiating committee's stand on the—
(Continued on Page 7)

Functional Obsolescence as Assessment Cut Plea

Contending that functional obsolescence, ignored by the city in its theatrical assessments for tax purposes, is as much a factor in value as depreciation due to age, Louis—
(Continued on Page 6)

Texas Allied Endorses Code Rejection, Recommends No Individual Signing

Argue Fox Theaters Show Cause Order on July 21

Petition of stockholders and creditors of Fox Theaters Corp. for the removal of Milton C. Weisman and Kenneth Stenreich as trustees under the liquidation plan has resulted in an order to show cause signed by—
(Continued on Page 4)

By HIX SMITH
FILM DAILY Staff Correspondent

Dallas, Tex.—The Board of Texas Allied yesterday recommended to its members that they do not sign individually the Trade Practice Code offered exhibitors by the distributors, and unanimously endorsed the action of the national board of Al—
(Continued on Page 4)

Kenneth Clark of MPPDA Heads Com. of Adv. Directors on Arrangements

Filmland will appropriately observe this coming autumn the industry's Golden Jubilee, commemorating the commercial birth of motion pictures 50 years ago when the Kinetoscope was demonstrated by Dickson to his chief, Thomas A. Edison, at West Orange on October 6, 1889.

Decision to hold films' half-century of existence fete was made yesterday morning when the directors of publicity and advertising of MPPDA member companies, together with foreign department publicity chiefs, ratified the suggestion which has been under contemplation since June 29, last, when—
(Continued on Page 7)

LAUNCH SHORT-WAVE BROADCASTS NEXT WK.

NBC and CBS will officially launch next week, as regular broadcast features to Europe and South America via short wave, the programs which have for the past two weeks been carried on experimentally by these stations in co-operation with MPPDA member companies, represented by a committee—
(Continued on Page 4)

Hear New Eng. Interstate Buying Into Yamins Houses

Reports that the Interstate Circuit of New England was acquiring an interest in two of Nathan Yamins' theaters in Fall River, Mass.,—
(Continued on Page 6)

Para. Plans Wide Exploitation For Outstanding '39-40 Pix

Paramount will get behind its outstanding pix next season with a wide exploitation campaign, it was—
(Continued on Page 5)

THE Film DAILY

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)	8 3/8	8 3/8	8 3/8	
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	10	9 7/8	10	+ 1/4
East. Kodak	164 1/4	163 3/4	163 3/4	- 1/4
do pfd.				
Gen. Th. Eq.	11	10 3/4	11	- 1/2
Loew's, Inc.	42	41 1/4	41 7/8	+ 7/8
do pfd.				
Paramount	8 3/8	8 1/2	8 5/8	+ 1/4
Paramount 1st pfd.				
Paramount 2nd pfd.				
Pathe Film	9 3/4	9 1/2	9 1/2	+ 1/4
RKO	15 1/8	15	15	
20th Century-Fox	19 1/4	19	19 1/4	+ 3/8
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	43 3/8	43 1/4	43 3/8	+ 1/8
do pfd.	50	50	50	+ 2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46			
Loew's deb. 3 1/2s46			
Para. B'way 3s55			
Para. Picts. 6s55			
100 3-16 100 3-16 100 3-16			
Para. Picts. cv. 3 1/4s47	88 1/2	88 1/4	88 1/2 + 1/2
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48	90 1/2	90	90

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.			
Technicolor	15 1/8	14 7/8	14 7/8
Trans-Lux			
Universal Corp. vtc.			
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 1/2	5
Loew's Thea. Realty 6s '47	99 1/2	101 1/4
Met. Playhouse, Inc. 2nd deb. '45	68	70
Roxy Thea. Bldg. 4s 1st '57	65 3/8	67 3/8

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
RRyant 9-5600

SECURITY

Court Upholds Regents' Ban on "Birth of a Baby"

Albany—Action of Board of Regents in refusing to license "The Birth of a Baby" for general exhibition was upheld yesterday by the Appellate Division, 3 to 2.

Majority opinion was read by Judge G. V. Schenck, who said there was a difference of opinion on the decency of the picture and that the Court should not interfere with the Regents' determination.

Majority opinion held that exhibition of the picture in places of public amusement composed of adults and children "would serve no useful purpose although it may appeal to the morbid and curious."

Fifty dollar costs and disbursements were assessed against Sam Citron and the American Committee on Maternal Welfare, Inc., who made the appeal.

Dissenting memorandum by Judges Bill and Heffernan favored annulment of the Regents' determination, holding the picture would give "vital and needed information to pregnant women" and that it was treated in a "clean, dignified and reverent manner."

Even "Discovery" Vaude at Low Ebb in Chicago

Chicago—Even "discovery" vaudeville is at a low ebb in this territory. In the loop, the Oriental theater (Jones, Linick and Schaefer), gives five acts "tryouts" on Monday nights, B & K's State Lake gives eight acts similar "tryouts" Wednesday nights, while out in the residential sections of the city only the Madlin theater on West Madison Street, independently owned, uses five acts for a week-end show. B & K's Congress theater uses six acts Saturday nights.

TMAT-5 Boro Confab Delayed

TMAT meeting with Five Borough Circuit, scheduled for yesterday afternoon, was postponed for several days because of illness of exhibitor representative. Huddle has been limelighted because outcome may mark first union contract covering film theater managers.

Brandt-D of C Confab July 18

Washington Bureau of THE FILM DAILY

Washington—Next exhibitor Department of Commerce confab is set for July 18 when Harry Brandt, president of the ITOA of New York will confer with Dr. Willard Thorp, Ernest Tupper and Nathan D. Golden. Brandt may bring other ITOA spokesmen with him.

Brenkert Funeral Held

Detroit—Joseph W. Brenkert, 82, father of Karl, Neil, and Wayne Brenkert of the Brenkert Light Projection Company, was buried at Roseland Park Cemetery here, following his death at San Diego, Cal., from injuries received in a fall.

Hear Thomson, Mrs. Marston in 4A's Trial of the AFA

Kenneth Thomson, executive secretary of the Screen Actors' Guild, and Mrs. Florence Marston, its Eastern rep., were heard at yesterday's trial of the American Federation of Actors by the AAAA. Thomson read an affidavit by John Corcoran, former Los Angeles rep. for the AFA, in which he alleges that Ralph Whitehead, exec. secretary of the AFA, had failed on numerous occasions to lend ordinary assistance to the Los Angeles branch. Mrs. Marston alleged that Whitehead had placed obstructions in the path of the 4A committee probing affairs of the AFA.

Seven affidavits from AFA members were read in which they attacked the AFA for alleged failure to give them adequate protection. An affidavit by Al T. Smith, former Frisco rep. for AFA, stated that the membership there had never voted on the increase in dues made last November.

Hearing will continue this morning and will probably be concluded during the day.

Texas Consolidated Plans \$150,000 Tyler Theater

Dallas—Texas Consolidated Theaters, affiliated with the Interstate Circuit, will build a \$150,000 theater in Tyler. Construction will begin Sept. 1 and be completed November 15. The house will have a lower floor and a balcony and will seat 1,000 persons. Texas Consolidated operates four theaters in Tyler at the present time, two of which show first-run pictures. The new theater will replace one of the first-run houses.

John Woolf to Hollywood

London (By Cable)—John Woolf, general sales manager for General Film Distributors which handles Universal product in England, is scheduled to leave shortly for the U. S. and Hollywood at the invitation of Universal.

New Warner-M-G-M Deal?

Frank Drew, M-G-M branch manager in Cleveland, Nat Wolf, Warner theater zone manager and Saul Bragin, Warner booker, are here working on a new Warner pact, the former three-year deal expiring this season.

Pa. "Ecstasy" Ban Stays

Philadelphia — Judge Otto R. Heiligman, Common Pleas Court, upheld the censors' ban on "Ecstasy" in a decision indicating that it was too sexy.

B & K to Reopen the UA

Chicago—Balaban & Katz will reopen the United Artists theater on July 22 with Metro's "Andy Hardy Gets Spring Fever."

COMING AND GOING

SAMUEL GOLDWYN is due here from the Coast on July 20 for the opening of "The Reckless" on July 26.

CHARLES Z. CASE, Eastman Kodak executive, sails for Europe today on the Normandie.

JESSE L. LASKY left New York yesterday afternoon for the Coast by United Lines.

REGINALD ARMOUR, RKO's European general manager, sails today on the Normandie for Paris headquarters. He was here attending the company's sales convention and h.o. executive conferences.

JAMES R. GRAINGER, Republic's president, returned to home office yesterday from Baltimore.

CONSTANCE BENNETT, film star; WILLIAM C. MENZIES, of Myron Selznick Productions; LEE SHUBERT, stage producer; EDWIN P. KILROE, 20th-Fox copyright advisor; LOUIS SILVER, musical director of 20th-Fox; and JAMES DUBINS, parents of Deanna Durbin, leave New York today on the Normandie for Europe.

FRANCIS X. BUSHMAN, SR. and MRS. BUSHMAN arrived yesterday on the Cuba Mail Line S. S. Mexico.

JOHN WOOLF, general sales manager of GFD, is scheduled to leave London shortly for Hollywood.

DOUGLAS FAIRBANKS, JR., having completed his role in Paramount's "Ruler of the Seas," left Hollywood yesterday with his bride, the former Mary Lee Epling Hartford, for a short vacation in New York, Newport and at their farm in Virginia.

JAMES ELLISON and his wife are visiting at the Corey Ford estate in Freedom, N. H.

WALTER HAMPDEN, stage star, is en route to Hollywood to play the role of the Archbishop in RKO's "Hunchback of Notre Dame."

EMMETT STAFFORD, of the Broadhurst Theater, High Point, N. C., and his wife were callers at Paramount's World's Fair headquarters yesterday.

HARRY NACE, Phoenix exhib., week-ended in Atlantic City. He leaves Saturday on his return to Phoenix.

NED SPARKS and daughter, LAURA, leave Chicago this week for a Lake of the Woods, Canada vacation.

EDWARD G. ROBINSON sails July 28 for London.

MARVIN SAMUELSON, manager of Warners Colony Theater, Cleveland, is vacationing with his family at Oneonta, N. Y.

A. FRANK O'BRIEN, city manager for Wilmer & Vincent in Richmond, leaves this week with his wife for an extended trip through the West. They will spend several days in Hollywood.

ELIZABETH COPELAND, movie editor of the News Leader, Richmond, Va., will plane to Hollywood late this month for a visit to the studios.

MILTON SHUBERT sails shortly for Europe.

M. M. FEDERHAR, operator of the Regent and Cameo Theaters in Akron, O., was a visitor at Paramount's World's Fair headquarters.

MILDRED WEBBER of the N. Y. offices of the William Morris Agency, is en route East after three weeks in Hollywood on business.

THE THEATRE

"A MUST, GO ENJOY IT" —Walter Winchell

I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN and JACK WHITE

Air-Conditioned.

VANDERBILT, West 48th Street
Evs. 8:40. Mat. Wed and Sat.

"AS GREAT AS 'MONTE CRISTO'!" IS THE UNANIMOUS VERDICT OF THE PREVIEW CRITICS ON EDWARD SMALL'S PRODUCTION OF ALEXANDER DUMAS' MASTERPIECE. WATCH FOR THE BOX-OFFICE'S CONFIRMATION AT THE WORLD PREMIERE ENGAGEMENT, THURSDAY, JULY 13th, AT RADIO CITY MUSIC HALL.

"Showmen who have been waiting for Small to give them another picture like 'Monte Cristo' needn't wait any longer. This is it."

—*Motion Picture Daily*

"Highly entertaining. Substantial entertainment for general appeal."

—*Variety*

"For those who like roistering melodrama, it is just their meat."

—*Louella Parsons,*

International News Service

"Appeal to a wide following indicates high expectations of its popularity at the box-office."

—*Hollywood Reporter*

"Box-office dynamite . . . one of the most impressive pictures of the year. Small who won distinction by making 'Monte Cristo' has lost none of his flair for bringing to the screen the immortal Dumas."

—*Box-Office*

"Small delivers a winner to U.A. in this stirring, splendid picture. Top-flight box-office entertainment for mass and class."

—*Daily Variety*

"Romantic adventure accomplished in a dashing and engrossing manner. Rip-roaring action."

—*Los Angeles Times*



EDWARD SMALL *presents*
The Alexander Dumas Classic

THE MAN in the IRON MASK

a James Whale Production starring

LOUIS HAYWARD and JOAN BENNETT

with Warren William • Joseph Schildkraut • Alan Hale

Directed by James Whale • Screenplay by George Bruce

RELEASED THRU UNITED ARTISTS

LAUNCH SHORT-WAVE BROADCASTS NEXT WK.

(Continued from Page 1)

composed of Charles E. McCarthy, chairman; Dave Blum, Albert Dean, Kenneth Clark and Kenneth Thomson.

Announcement to this effect was made yesterday at MPPDA, following a meeting there yesterday morning of the directors of publicity of Hays Office member organizations, and directors of publicity for companies' foreign departments.

Programs will be broadcast in six languages,—English, French, German, Italian, Spanish and Portuguese,—on four 15-minute periods per week. The exact schedule is to be announced later by the stations.

Both networks are currently broadcasting in these tongues to foreign lands, and the film industry's news, which will be of an informative and promotional nature, will go out on short wave on specific afternoons so that Europe's night audiences, and South America's late afternoon and evening audiences can tune in.

Foreign departments of film companies will cull and suggest material, which will then be prepared by Kenneth Clark, of the Hays Office, and then turned over in polished form to NBC and CBS. Both networks, it was learned yesterday, have expressed gratification with adept manner in which Clark's scripts have been handled.

Material of a general listener-interest type is being used, pictures and fan information being timed to create the maximum interest just ahead of distribution in foreign lands. Accent, too, will be placed on U. S. stars and players going abroad; screen fashions, and other data of interest to pixgoers.

Programs are non-commercial.

Guercio Hospitalized

Chicago—James V. Guercio, member of the firm of Guercio and Barthel, theater equipment distributors, is undergoing treatment at the Veteran Speedway Hospital.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 12

Hunt Stromberg
Tod Browning
Jean Hersholt
Mike Connelly
Jetta Goudal
Sam Mintz

ALONG THE



WITH PHIL M. DALY

● ● ● WE have just watched a performance of a real Glamour Girl.....not the phoney kind built up with makeup, lighting effects, and a million dollar ballyhoo.....in fact she's a newcomer.....Helen Gilbert.....playing the part of the schoolteacher in "Andy Hardy Gets Spring Fever".....they picked her out of an orchestra playing in Hollywood.....if she doesn't skyrocket to stardom sensationally then all our years of picture-doping don't mean a thing.....this girl has everything it takes.....but Charm in a superlative degree.....and a pair of Slumber-Eyes that will make hardboiled males swoon.....gorgeous looks combined with a pulsing personality is a rare combination.....but when you add to that a high order of intelligence and an extreme naturalness in manner, then you have something to shout about.....and if M-G-M don't shout they're nuts.....

● ● ● COCKTAIL party.....given by United Artists in the Rockefeller Center Luncheon Club for Jimmie Roosevelt.....who released a news story that is published in the news columns of this paper.....ha....you didn't expect this kolyum to give you News, did you?.....it never has.....Jimmie introduced Fred Storm, late UP Washington correspondent, who becomes the studio representative for Sam Goldwyn.....a great raconteur, this Storm.....Jimmie Roosevelt told a good one, too.....after meeting many of the relatives in the film biz, he had to justify his position.....and Jimmie said: "Don't quote me, but I think father is a cousin of Sam Goldwyn".....

● ● ● ENCORE performance.....of "The Mikado".....takes place today at the Palace Theater.....with the screen responding to audience applause for the first time in film history.....musical numbers which receive applause from the audience during the picture showing will be repeated immediately as "encores" exactly as when performed on the stage.....due to the experimental nature of the showing the encores will be performed only during the 3:15 and 9:15 p.m. shows.

● ● ● IT gives us great pleasure to announce that after sitting up nights during the hot spell, when we couldn't sleep anyway.....that we have apparently solved the double feature problem.....it is quite simple.....all the exhibitor has to do is to show the B pictures out front on the sidewalk and thus drive the public in desperation inside to see the A picture.....if this doesn't work, then the exhib. and the industry is stuck with the double feature for good.....

● ● ● SQUAWK from Jack Ellis, proxy of the Motion Picture Associates.....who are scheduled to play a baseball game with the ITOA team.....Jack objects to the fact that we referred to his formal acceptance of the baseball challenge from the exhib. association as written in prose when he claims it was pure limpid poetry.....so he sends us a copy of the "poetry".....we still say it is prose.....he tries to make "query" rhyme with "very," and "Mr. Brandt" rhyme with "simply can't".....besides, the latter is not only bum rhyming but a libel on Harry Brandt.....there is nothing that Mister Brandt can't do.....he admits it.....

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TEXAS ALLIED URGES NON-SIGNING OF CODE

(Continued from Page 1)

lied States Ass'n in rejecting the Code.

The Texas unit is the first one to urge its members to refuse to sign the Code individually, arguing some speculation as to whether or not this will be the policy to be accepted generally by Allied and its member units.

Col. H. A. Cole, head of Texas Allied, is also president of the national organization.

A 50-minute phonograph record of the discussions on the Code at the national Allied convention in Minneapolis was heard by the directors of Texas Allied before it endorsed the parent body's rejection of the Code. Included on the phonograph record were remarks on the Code by William F. Rodgers, head of the distributors' code committee, Gradwell L. Sears, Abe Montague, W. A. Steffes, Nate Yamins and others.

Argue Fox Theaters Show Cause Order on July 21

(Continued from Page 1)

Federal Judge John P. Knox, it was learned yesterday at his office. Order is returnable July 21 at 10 a.m.

Objecting creditors will ask for the appointment of temporary receiver to take over assets of the company, and will seek a restraining order to prevent transactions by the trustees until a referee, to be named, reports on objections to the final accounting of Weisman as receiver. Judge Knox must determine whether the funds of the company, or those of creditors, are to be used to pay expenses of a hearing by a referee and for commissions for a temporary receiver.

Philadelphia Allied Unit Sets 6 Up-State Meetings

Philadelphia—Allied Independent Theater Owners of Eastern Pennsylvania inaugurates a series of up-state organization meetings on July 18 when a session is scheduled for Harrisburg.

Other meetings will be held as follows: July 19, Shamokin; 20, Allentown; 25, Hazleton; 26, Wilkes-Barre; 27, Scranton.

WEDDING BELLS

Pittsburgh—Donald D. Mungello, who operates theaters in Burgettstown and Slovan, Pa., and Miss Lois Dittmar, of Burgettstown, will be married on July 24.

Indianapolis—Herman G. Morgan, Jr., Affiliated Theaters, Inc., and Mary Jeanette Seller, will be married Aug. 25 in the Third Christian Church here. They will spend their honeymoon in Wisconsin.



REVIEWS OF THE NEW FILMS



"Andy Hardy Gets Spring Fever"

with Lewis Stone, Mickey Rooney

M-G-M 85 Mins.

GREAT COMEDY PERFORMANCE BY MICKEY ROONEY IN FILM INTRODUCING NEW GLAMOUR GIRL.

This latest in the Hardy series rings the bell not only because of the exceptionally fine human story and the featured work of Mickey Rooney, but because of the appearance of a girl named Helen Gilbert in the role of a schoolteacher, who looms up as one of the most charming personalities to come to the screen in a long, long time. This story has plenty of incident, combining the usual formula of a dramatic episode in the life of the family, and the smaller crisis in the personal affairs of Mickey. The family matter involves Lewis Stone as the father in a crooked deal with two sharpers who take him and two other of the town's citizens over for a few thousand dollars on a fake real estate deal. But the Judge manages to pull out of that with no financial loss to himself and friends. Mickey's romantic adventure comprises the bulk of the action, and also the interest, for he has a touch of spring fever, and falls desperately in love with the new teacher of dramatics at the school. She is a very understanding person, and handles the situation with great finesse and diplomacy, with the help of the Judge who doesn't want to see his boy hurt. There is good comedy in the rehearsal and final showing of an amateur school play which Mickey writes and in which he also plays the leading male part with his steady girl, Ann Rutherford, as the romantic interest, she being a native girl on the isle of Tahiti, and Mickey a rear admiral of the U. S. Navy. The finale has Mickey realizing that his love for the teacher can never be, and coming back to earth and his regular girl. Rooney does a grand job, his versatility for a youngster being something to wonder at. But this Helen Gilbert person as a new glamour girl will have the customers talking. She has charm, personality, marvelous looks, and real acting ability.

CAST: Lewis Stone, Mickey Rooney, Cecilia Parker, Fay Holden, Ann Rutherford, Sara Haden, Helen Gilbert, Terry Kilburn, John T. Murray, George Breakston, Charley Peck, Sidney Miller, Addison Richards, Olaf Hytten, Erville Alderson, Robert Kent.

CREDITS: Director, W. S. Van Dyke. II; Screenplay, Kay Van Riper; Cameraman, Lester White; Editor, Ben Lewis.

DIRECTION, Excellent. PHOTOGRAPHY, The Best.

Durkee Signs for Rep. Product

James R. Grainger, Republic's president and general manager in charge of distribution, returned to the home office yesterday from Baltimore, where, in association with Sam Flax, Republic's franchise holder for the Washington territory, a deal was closed for company's 1939-40 product with Frank H. Durkee, head of Durkee Theatrical Enterprises. Deal is for 22 of latter's houses in Baltimore, Annapolis and Havre de Grace.

"They Asked for It"

with William Lundigan, Joy Hodges, Michael Whalen

Universal 61 Mins.

COMEDY-DRAMA WITH RURAL SETTING RATES FAIR SUMMER ENTERTAINMENT.

Rural drama with comedy sidelights. It tells of a country editor, played by William Lundigan, who is having a tough time trying to keep his local sheet going. His assistant, and general utility worker is Joy Hodges. They have as friends Michael Whalen and Thomas Beck, young lawyer and medico respectively. To kick some life into the dead sheet, they hop up an apparently natural death of an old farmer with a story suggesting foul play. They build this up with the help of the sheriff, who falls for the gag. Then the kick comes when the daughter of the dead farmer confesses to the murder. But this is then topped by the newspaper editor's discovery that a gang of trucking thieves using the dead farmer's barn had done the killing. The yarn gets by as a light summer concoction with emphasis on the laughs tied up with the thrills. The newspaper atmosphere is too far removed from reality to carry any weight of conviction.

CAST: William Lundigan, Joy Hodges, Michael Whalen, Isabel Jewell, Lyle Talbot, Thomas Beck, Spencer Charters.

CREDITS: Director, Frank McDonald; Author, James B. Lowell; Screenplay, Arthur T. Horman; Cameraman, Stanley Cortez; Editor, Philip Cahn.

DIRECTION: Fair. PHOTOGRAPHY. Good.

Para. Plans Wide Exploitation for Outstanding '39-40 pix

(Continued from Page 1)

disclosed yesterday by Robert M. Gillham, ad-publicity director.

"Beau Geste," company's lead-off pix, will have a press preview at the Carthay Circle, Los Angeles, next Tuesday, with approximately 30 subsequent trade screenings to be staged throughout the country. Pix will also be shown at the FPC convention at Niagara Falls later in the month. Trade screenings will be handled by Alec Moss, Al Wilkie, C. N. Odell, Cliff Lewis, Terry De Lapp, Harlan Hobbs, Rufus Blair, Carl Kreuger.

For Bob Burns' "Leading Citizen," plans include screenings for the 48 Governors, Coast-to-Coast broadcast by Burns from Van Buren, Ark., and a lecture tour by Irvin Cobb, story's author.

For Bing Crosby's "The Star Maker," plans embrace a Coast-to-Coast broadcast honoring Gus Edwards, staged by his former kid proteges, and contests to select most talented orphans in keys for a "Cinderella" trip to Hollywood.

Premiere of "Geronimo," will be staged on the Apache reservation in Arizona, and Para. plans to have 250 Hollywood and New York newspaper correspondents present as its

"Career"

with Anne Shirley, Edward Ellis

RKO Radio 79 Mins.

GOOD FAMILY PICTURE WITH ROMANTIC DRAMA OF SMALL TOWN LIFE FEATURING CONTEST WINNERS.

This is the Jesse Lasky Gateway to Hollywood tieup picture, with the girl and boy winners given featured roles. The boy John Archer shapes up very well, and looks as if he can go far with proper handling. We cannot say as much for the girl given the screen name of Alice Eden, who strikes this reviewer as being quite negative. However, the interest of the film does not depend on the work of these two amateurs. Edward Ellis is there, carrying the story with competence, and in the role of the boy's father protecting his fellow townsmen from a major financial disaster as the local bank fails, and helping his boy to survive his first tragic romance, he delivers a grand performance. The story is one of down-to-earth realism, a typical small town drama of the midwest. Phil Stong's novel makes strong family entertainment. The romances of two young couples are followed, and while the story lacks any great dramatic moments, the character of Ellis as the homespun stalwart standing firmly for the things he believes in, and fighting through to a triumph when the whole town seems to go against him, makes a fine wholesome bit of screen entertainment. Anne Shirley plays the part of the girl that John Archer is in love with, and who marries another boy from the home town. Good comedy contributed by Leon Errol as the town's loveable drunk. Selling angles: the radio buildup on the Gateway to Hollywood contest; the small town story of the average American boy and girl in love.

CAST: Anne Shirley, Edward Ellis, Samuel S. Hinds, Janet Beecher, Leon Errol, Alice Eden, John Archer, Raymond Hatton, Maurice Murphy, Harrison Greene.

CREDITS: Producer, Robert Sisk; Director, Leigh Jason; Screenplay, Dalton Trumbo; adaptation, Bert Granet; Author, Phil Stong; Cameraman, Frank Redman; Editor, Arthur E. Roberts.

DIRECTION, Fair. PHOTOGRAPHY, Good.

guests. Pix will start in Salt Lake City and Denver with special campaigns; total of 20 test runs are contemplated.

To exploit "Rulers of the Sea," Para. will send 40-foot replicas of the Sirius and Dog Star across the country by truck and waterways. Pix will have its world premiere aboard the Queen Mary here and will be tied in with a Hollywood-New York-London broadcast.

Similar three-city Trans-Atlantic broadcast also will mark premiere of "Jamaica Inn" at the Rivoli here in the early Fall.

Premiere of "Are Husbands Necessary?" is scheduled for Nassau, Bahamas, in mid-September and Para. will send scribes from the Atlantic seaboard to the opening.

For "Disputed Passage," Lloyd C. Douglas, its author, will make a key city lecture tour prior to pix's release.

"Hell's Kitchen"

with Stanley Fields, "Dead End" Kids

Warners 81 Mins.

RAMBLING DRAMA OF BOYS' REFORMATORY CARRIES ONLY MILD THRILLS.

A confused drama of a boy's shelter run by a crooked headmaster, with Stanley Fields in the guise of a racketeer trying to reform in order to make good his probationary stint, moving in and running the home. Fields carries the picture all the way with his good natured comedy characterization, trying to make the boys in the home go straight and avoid going up to the big house for a stretch. Grant Mitchell as the hypocritical head of the institution, collecting funds from philanthropic citizens and using the money for his own purposes, does a fine piece of work. The "Dead End" kids seem to be greatly overworked in spots, and their emotionalism does not always register as sincere. The story is obviously patterned after "Boys' Town" with its self government by the kids being suggested by Fields when he muscles in on the crooked head of the institution and relegates him to secondary position. But Mitchell works a scheme with a rival racketeer of Fields, and frames him into a parole violation via a hockey game in New York between the "Dead End" Kids and another reformatory team. But the latter are professional ringers, and the game is a slam-bang affair dragged in for the thrills and general excitement, but very illogical with the pros playing against the kids and nobody protesting till it is practically over. A couple more like this and the Kids will be washed up. It rates just so-so on a double-bill. Margaret Lindsay and Ronald Reagan furnish the romantic interest. Selling angles: the "Dead End" Kids; the Fields comedy as a reformed gangster.

CAST: The "Dead End" Kids, Stanley Fields, Grant Mitchell, Margaret Lindsay, Ronald Reagan, Frankie Burke, Fred Tozere, Arthur Loft, Vera Lewis, Robert Homans, Charley Foy, Robert Strange, Raymond Bailey.

CREDITS: Producers, Mark Hellinger, Bryan Foy; Directors, Lewis Seiler, E. A. Dupont; Author, Crane Wilbur; Screenplay, Crane Wilbur, Fred Niblo, Jr.

DIRECTION, Weak. PHOTOGRAPHY, Okay.

Dallas Variety Club Industry Workers Picnic Saturday

Dallas—A picnic to be given by the Variety Club at Vickery Park Saturday for the employees of all the film companies, Interstate Circuit, Robb & Rowley, Jefferson Amusement Co. and the Griffith Amusement Co. promises to be one of the big events of the season. Harry Sachs is general chairman. Hyman Charninsky's orchestra will play for dancing in the evening.

Levy Doubling for GN

Omaha—Lou Levy, Grand National branch manager at Des Moines, now has the Omaha exchange under his wing. Freddie Horn, GN manager, has joined the Columbia sales staff.

BUYING POOL IN OKLA. REPORTED AS SHELVED

(Continued from Page 1)

held back until the government's trust suit against the majors and the Griffiths in U. S. District Court here has been decided and probably nothing will be done about it unless the membership of Allied Theaters of Oklahoma, affiliated with Allied States, backs the plan 100 per cent, it is reported.

Previously, the organization rejected such a plan and while it urged members to consider the buying pool if they desired to do so, its leaders would give no endorsement.

Roosevelt Quits UA Board; James Mulvey Returns to It

(Continued from Page 1)

vealed yesterday following a meeting of the company's board of directors. The announcements were made at an informal cocktail party on the 67th floor of the RCA Bldg.

In making the announcement of his resignation from the board, Roosevelt said that James Mulvey, who formerly held the director's post on the board, would be reinstated. Roosevelt explained that his production duties required so much of his time that he could not adequately fill the duties of a director. He left last night by air for Hollywood.

Storm for the last seven years has been with the United Press in Washington, covering the White House. His appointment becomes effective next Monday. After a few weeks in New York, where he will study home office routine, he will take up his permanent residence on the Coast. Ben Washer continues as Goldwyn's eastern publicity representative.

Hear New Eng. Interstate Buying Into Yamins Houses

(Continued from Page 1)

were in circulation yesterday. Houses allegedly involved are the Durfee and the Empire.

It also was reported that Julius Joelson, who operates seven theaters in Massachusetts, would operate the house now under construction in Fall River as competition to Yamins, who has five theaters in the town.

Printed reports to the effect that Yamins was relinquishing his interest in some of his theaters were denied by him two months ago.

Cupid to Rescue

Chicago—Lil' ol' Dan Cupid, no less, is coming to the aid of the box office for the Indiana-Illinois Circuit, according to Prexy Jack Rose.

Patronage building effect of stage weddings in Goshen and Elkhart has led to general circuit rush by managers to line up prospective brides and grooms.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the fifteenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 15

RULES OF ARBITRATION

I. EXCHANGE TERRITORIES

Arbitration of disputes under the Trade Practice Code or under the Rules of Arbitration shall be governed by these rules. Arbitration shall be conducted in the following Exchange territories:

Albany, N. Y., Atlanta, Ga., Boston, Mass., Buffalo, N. Y., Charlotte, N. C., Chicago, Ill., Cincinnati, O., Cleveland, O., Dallas, Texas, Denver, Colo., Des Moines, Ia., Detroit, Mich., Indianapolis, Ind., Kansas City, Mo., Los Angeles, Cal., Memphis, Tenn., Milwaukee, Wis., Minneapolis, Minn., New Haven, Conn., New Orleans, La., New York, N. Y., Oklahoma City, Okla., Omaha, Nebr., Philadelphia, Pa., Pittsburgh, Pa., Portland, Ore., St. Louis, Mo., Salt Lake City, Utah, San Francisco, Cal., Seattle, Wash., Washington, D. C. The rules come into effect after the appointment of a panel of neutral arbitrators.

II. PANEL OF NEUTRAL ARBITRATORS

In each Exchange territory there shall be appointed a panel of not less than five nor more than ten neutral arbitrators.

Who Appoints Panel: All distributors and affiliated exhibitors and organized exhibitor groups which have signed the Trade Practice Code and which carry on their business in an Exchange territory, shall, by unanimous action, appoint the panel. An organized exhibitor group may participate in such appointment if it has members who have signed the Trade Practice Code and are operating theaters.

Compensation: Neutral arbitrators may be compensated for their services.

Qualifications: Neutral arbitrators shall preferably have an understanding and knowledge of the motion picture industry but shall not be associated with either distributor or exhibitor interests.

(Sixteenth installment will appear tomorrow.)

Functional Obsolescence as Assessment Cut Plea

(Continued from Page 1)

Nizer, of Phillips & Nizer, argued in behalf of certiorari actions instituted by RKO for six Manhattan theaters before the Tri-Departmental Tax Board yesterday.

RKO is asking for a total reduction of \$3,088,000 in assessments aggregating \$19,694,000. Former figure includes a claimed inequality in land assessment of \$1,796,500. Theaters involved are the Palace, 58th St., Colonial, Coliseum, Alhambra and 95th St.

Attorney Nizer argued that although erected to accommodate vaudeville, the six houses no longer played "flesh," making the stages, dressing rooms, flies, lighting equipment, etc., unusable. In the instance of the 58th St. Theater, counsel said, the "waste" space totaled 406,000 cubic feet.

Pointing out that even the Palace, once vaude's ace house, had been forced to surrender to films, Nizer argued that its \$1,350,000 assessment should be cut by \$365,000. The true value of the Palace and other five houses, he contended, was the cost of replacement less the obsolescent space.

Appearing as witnesses for RKO were Major Leslie E. Thompson, who testified that vaude had dropped 88 per cent from 1929 to 1937, and that RKO's playing time in the

Pictures and Radio Share Problems, Says Milliken

Atlantic City — At the luncheon session of the National Broadcasters Ass'n yesterday, Carl E. Milliken, MPPDA secretary, gave a talk on "Self Regulation in America" in which he said the motion picture and radio industries share the same type of problems, paralleling each other, as they do, in their particular place in both world and national home life. He explained the formation and working of the MPPDA and praised the work of Will H. Hays, its prexy.

He stated that both the movies and radio need a code and self-regulation as a matter of self-preservation.

same period had shrunk from 1683 to 175 weeks; A. Reoch of the RKO real estate department; Thomas W. Lamb, architect; Joseph W. Garry, expert on construction, and A. N. Gitterman, real estate expert.

Hearing yesterday was before Commissioner Hubert T. Delaney and representatives of comptroller's and corporation counsel's offices. Should the Board, charged with hearing certiorari actions with a view to settlement before trial in Supreme Court, concur in Nizer's stand, precedent will have wide effect.

UA CLOSES PRODUCT DEAL WITH WARNERS

(Continued from Page 1)

of UA, and Clayton Bond and Edward Hinchy, film buyers for the Warner houses.

Deal, it is understood, is for two years, involves all UA product and all Warner houses and represents a sum running well into the millions.

The Warner-UA deal was described by Silverstone as being the largest ever concluded between the two organizations.

Attending the board meeting yesterday, in addition to Silverstone, were Mary Pickford, Charles Schwartz, Captain Dennis O'Brien, James Roosevelt and Emanuel Silverstone.

Richard Ettelson Dies; Funeral Services Today

(Continued from Page 1)

ing at his home, 25 Idaho St., Pas-saic, where funeral services will be held today at 1 p.m.

For several months he had been ill, and up to the time his health failed took a prominent part in exhibition affairs in his territory, where he operated four houses,—the Butler, in Butler; Ritz, Garfield; Colonial, Pompton Lakes; and the Rialto in Westfield.

Deceased was brother-in-law of Si H. Fabian, president of Fabian Theaters, and is survived by three children,—Adrian, a son, and two daughters, Harriet and Doris.

Secondary Picketing Ruled Illegal in N. Y. by Court

(Continued from Page 1)

of Appeals yesterday. This so-called "secondary boycott" has been a source of discomfort to exhibitors whose theaters may have been selling non-union made candy or whose signs were made by rival union painters.

The decision was considered of importance because of conflicting decisions rendered in the lower courts.

Frisina Advances Pedrucci

Springfield, Ill.—Randolph Pedrucci has been named assistant booker for the Frisina circuit, with headquarters in the Roxy Theater building here. His place as manager at Shelbyville, has been taken by Charles Bennati of Gillespie. Pio Pedrucci was named manager at Gillespie.

23 Using Premiums

Chicago—Twenty-three theaters are using premiums over the week-end in this territory. Number using triple bills has slumped to 10 houses. The Rosewood Theater, an indie, continues to use four features.

INDUSTRY TO OBSERVE ITS GOLDEN JUBILEE

(Continued from Page 1)

the sub-committee of the Advertising Advisory Council felt that recognition of a suitable character should be given to the anniversary per se, and also to promote public interest. All companies' new season product, together with stimulating grosses of exhibition outlets everywhere in the nation.

Committee which will handle details of the Golden Jubilee comprises Kenneth Clark, public relations chief for MPPDA, chairman; Harry Goldberg, Warners; William Ferguson, M-G-M; Ben Grimm, RKO-Radio; Lou Pollock, Universal; and Joel Swenson, of MPPDA's public relations staff.

While the celebration is technically for the day, Oct. 6, on which it is planned to hold commemorative exercises at West Orange, Menlo Park, or at some other locale associated with Edison's development of the Kinetoscope, actually the week of Oct. 1-7, inclusive, will be used to stimulate interest. Present plans call for prior and subsequent weeks as well for a campaign and promotional activities.

By the first week in August, a manual will be ready for dispatch to all circuits and theaters, setting forth ways and means of observing the anniversary and building business.

Between Aug. 15 and Sept. 1, Will H. Hays will formally proclaim the Golden Jubilee, and it is planned to have observances continue through National Book Week (the second week in November) for tie-ups.

The committee points out that the big emphasis will be on the Oct. 6 date.

Feature of the celebration plans, embracing every wing of the industry, is that any and all participation will be entirely voluntary. Consequently, there will be no cost to the exhibitor except that which he freely wishes to incur in exploiting the Golden Jubilee in his own locale.

Invitations to circuits, exhibitors, indie organizations, civic groups, and others, directly or indirectly associated with filmland, will be issued, asking their co-operation, and the press of the country also will be lined up to disseminate news of the event.

Press material will be supplied by the committee and then co-ordinated by Joel Swenson.

The manual will contain suggestions to the exhibition field; historical stories; publicity and exploitation ideas; profitable tie-ups, and all manner of material of a helpful, promotional nature.

Committee representatives said yesterday that the Golden Jubilee Celebration will launch the 1939-40 season "with a bang."

REVIEWS OF NEW FILMS

★ SHORTS ★

"The World of Tomorrow" (Pathe Reelisms)

RKO Radio 9 mins.

Shots of Fair

A very splendid presentation of the New York World's Fair. The photography is exceptionally worthy. Some grand sculpture shots taken at unusual angles, showing the various pieces of statuary. The foreign pavilions and administration buildings are shown. The scenes on the Midway show the enormous scope of the Fair and its variety of amusement features. A nice narration carries the work of the camera.

"Poetry of Nature" (Pete Smith Specialty)

M-G-M 8 mins.

Kidding Nature

A kidding satire on the beauties of nature with its restful peace and beauty. Pete Smith starts out with a beautiful woodland scene, and then switches to Mr. and Mrs. Crow, with dad off on a thieving trip to steal some poor bird's eggs. The adventures of the crow and other wild animals are followed, with some funny trick shots that bring the laughs. Finally the crow is bested in attempting to steal a hen's egg. He comes home to find a big bear climbing the tree to try and steal the crow's eggs. Filmed by Mervyn Freeman, the naturalist and newsreel cameraman. Pete Smith's running comments make this quite a funny reel.

George Stone Dead

George Stone, 61, actor in legit and vaudeville, died Monday night at Baldwin, L. I. Years ago he appeared in "The Wizard of Oz" and "Babes in Toyland" and with his wife in vaudeville. He is survived by his widow.

Lou Lefton Under Knife

Pittsburgh—Lew Lefton, manager of the local Monarch exchange, who has been ailing for some time, underwent an operation on the spine at Montefiore Hospital here. His condition is reported to be fair.

Hold Thomashefsky Rites

Funeral services for Boris Thomashefsky, actor who helped develop the Yiddish theater in this country, will be held at Gramercy Park Memorial, 152 Second Ave., today.

"Three Waltzes" Held

West Coast Bureau of THE FILM DAILY

Hollywood—"Three Waltzes," distributed by Vedis, will stay a third week at the Esquire theater.

"Wotta Nitemare"

(Popeye the Sailor Cartoon) Paramount 7 mins.

Feast for Popeye Fans

Any and all who have experienced the terrifying sensations of a nightmare,—and who hasn't?—will get plenty of amusement out of the human touches incorporated in the current reel depicting sleeping debacle of Popeye. Our hero is snoozing away in his seagoing bed when he dreams that his arch-enemy, Bluto, is taking his beloved Olive Oyl on a picnic. Popeye's intercessions on behalf of his sweetheart are in vain, and in the fight with Bluto the most telling blows of the gallant Popeye are ineffectual, since Bluto is only a figment of the snoring Sailor's troubled sleep. Upon awakening, Popeye is so overwrought at the imagined beating he has received at his rival's hands that he rushes into the street and beats the amazed Bluto to proverbial pulp. It's swell for Popeye fans.

"Jockeys Up"

(News World of Sports) Columbia 9 mins.

Inside Info

Behind the scenes with the jockeys, showing how they make the weight, the early morning clocking, and many other unusual scenes that the public knows little about. The trainers are introduced, including Earle Sande, George Odom, George Conway, and the only woman trainer, Mary Hirsch. Among the jockeys seen in close-ups are Bobby Merritt, Jimmie Stout, Wayne Wright, Irving Anderson, Don Meade, Chic Charlton and many others.

Gaynor Joins Columbia

Leonard Gaynor, formerly a member of the 20th Century-Fox publicity department, has joined Columbia Pictures to handle special publicity and exploitation on "Golden Boy" and "Mr. Smith Goes to Washington." This is a new department created especially because of the importance Columbia attaches to these two productions.

N. W. ALLIED BUYING COMBINE IS IN WORK

(Continued from Page 1)

come affiliated with the national buying combine now being formed.

Attendance of 24 at convention was small. The meeting was promptly closed to trade press with W. E. (Al) Steffes scheduled to give out a printed release today. Much time was spent discussing the financial situation of the group. Steffes was re-elected president.

Several resolutions were okayed, including the sending of a letter officially rejecting the Trade Practice Code; instructions to officers to endeavor to obtain Minneapolis Council legislation forbidding entertainment of over 2 hours and 15 minutes in length, in an attempt to eliminate double features (a preliminary step in obtaining state legislation); opposing the use of commercial features in educational institutions, and the sending of letters to Northwest theater owners asking them to cease buying product until Sept. 1 when the organization will meet again to announce the formation of its buying combine.

New Jersey Allied Okays Rejection of Trade Code

(Continued from Page 1)

draft and voted to support the national organization's policies.

The annual eastern regional convention, to be held in conjunction with the annual New Jersey Allied conclave, was set for Sept. 6-8 at the Ritz-Carlton Hotel in Atlantic City.

Rogers Signs Millie Coles

West Coast Bureau of THE FILM DAILY

Hollywood — Charles R. Rogers yesterday signed under personal contract Millie Coles, 19 years old, and has changed her name to Gloria Carter. She is now appearing in "Our Neighbors—the Carters." Rogers now has six youngsters under personal contract.



Designed and priced for theatres of every size!

New RCA PHOTOPHONE

MAGIC VOICE of the SCREEN

with Rotary Stabilizer—plus SHOCK-PROOF DRIVE

ENABLES YOU TO PRESENT THE KIND OF SOUND YOUR CUSTOMERS WANT TO HEAR

Better sound means better box office—and RCA Tubes mean better sound

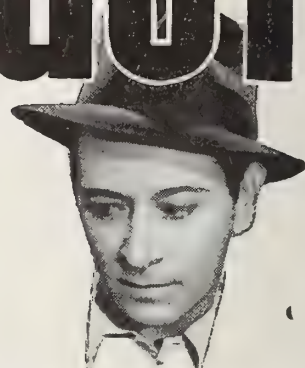
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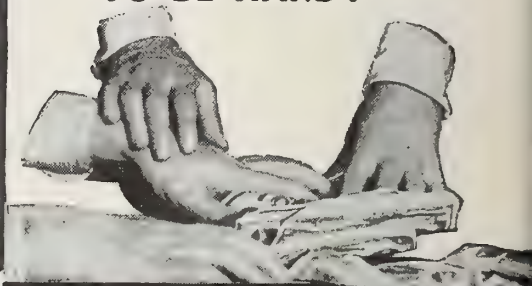


IT'S NEVER SUMMER INSIDE
A THEATRE THAT'S PLAY-
ING A GOOD PICTURE!

HARD GUY!



He had a swell start. Born in the gutter, graduated to be a city savage! Life wore thin the way he lived it... his arms that reached for love embraced sudden death instead! **HE HAD TO BE HARD!**



"I STOLE A MILLION"

THE NEW UNIVERSAL PRESENTS

starring

GEORGE RAFT • CLAIRE TREVOR

with DICK FORAN • HENRY ARMETTA • VICTOR JORY

Directed by FRANK TUTTLE • Associate Producer BURT KELLY

SCREEN PLAY BY NATHANAEL WEST... Original Story by Lester Cole



Released July 21st

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 8

NEW YORK, THURSDAY, JULY 13, 1939

TEN CENTS

Allied May Spurn Commerce Dept. Parley Invitation HAYS ASKS "REASONABLE FREEDOM" FOR INDUSTRY Neb.-W. Ia. MPTO Defers Code Action Until the Fall

Indie Exhibs. Will Seek to
"Get Rid of the Bad
Points"

By BILL ROMBERG

FILM DAILY Staff Correspondent

Omaha—Indie exhibs. of Nebraska and western Iowa, called together by the MPTO organization here, shelved the Trade Practice Code for the time being, adopting a resolution calling for "no definite action."

Charles Williams, veteran MPTO prexy, announced the proposal would go to a vote at the group's annual conclave next Fall. Exhibs. attending the called meeting declared the Code "Has both its good and bad" (Continued on Page 6)

EXCHANGES TO ADVISE ACCOUNTS OF JUBILEE

Home offices of film companies notified their exchanges yesterday of the industry's intention to celebrate its Golden Jubilee from Oct. 1-7 inclusive. Each exchange was sent an allotment of printed slips to be dispatched in letters to exhibitors.

"Early in August," the slips' text (Continued on Page 6)

Cheapening of South Amer. Money Upsetting Pix Market

Commenting yesterday on film conditions in South and Central America, from which he recently returned from a 14-week business trip, Morris Goodman, Republic's (Continued on Page 7)

Four A's Trial of AFA Will Resume Tomorrow

Four A's in absentia trial of the AFA will resume tomorrow with a closed session, with some possibility that a decision may be handed down (Continued on Page 6)

"Freedom of the Screen"

—Defined by Hays

"Freedom of the screen means opportunity to attend a theater with the knowledge that the entertainment to be presented will not negative the influence of the school, the church and the home; the certainty that pictures bearing the seal of self-regulation will not violate the canons of common decency; the freedom from any but the creative artist's best efforts, that banality shall not masquerade as art or entertainment. It means the freedom from fear that pictures treating of crime and violence may influence the youth of the family toward a criminal career; freedom from subversive propaganda on the screen that may be destructive to every patriotic influence."



WILL H. HAYS

MPPDA Prexy in Addressing NAB Urges Free Screen, Self-Regulation

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood—A fervent plea for "reasonable freedom for American business to keep abreast of changing conditions and to erect a more stable edifice of prosperity" was voiced here last night by Will H. Hays, MPPDA prexy, addressing by radio the Atlantic City convention of the National Association of Broadcasters at the Hotel Ambassador.

His subject, "The Three Mirrors of America" (press, screen and radio) (Continued on Page 7)

U. S. DISTRIBS. FIGHT SWISS QUOTA MEASURE

Berne (By Cable)—Representatives of U. S. film distributors are attempting here to head off quota legislation which is held to be virtually certain of passage in some form, and quickly.

For some time subsequent to the (Continued on Page 7)

Sales Heads Again Adjourn Trade Practice Conference

Sales heads of the major companies will resume their trade practice Code discussions today after a meeting yesterday which took up most of the afternoon. Progress made towards revising provisions pertaining to arbitration of clearance was not revealed.

\$6,000,000 Warner Loan Agreement is Completed

Report made by Warner Bros. Pictures, Inc., to SEC and made public yesterday discloses that bank (Continued on Page 8)

JACK SKIRBALL QUILTS GRAND NATIONAL POST BAR ASS'N APPROVES COPYRIGHT CHANGES

Resignation of Jack H. Skirball as vice-president in charge of production and as a director of Grand National was announced yesterday in a joint statement by Skirball (Continued on Page 6)

The section of patent, trade-mark and copyright law of the American Bar Association, at its annual meeting in San Francisco Monday, approved the unanimous report of its (Continued on Page 8)

"Extremely Doubtful" If Allied Will Accept Commerce Dept.'s Bid--Myers

N. W. Allied to Pay Steffes
\$15,000 a Year for 3 Years

Minneapolis—All officers of Northwest Allied were re-elected at its meeting here except the treasurer who resigned. W. A. "Al" Steffes won a three-year term as president (Continued on Page 6)

By PRESCOTT DENNETT

Washington Bureau of THE FILM DAILY

Washington—Allied States will not participate in the series of industry conferences inaugurated by the Department of Commerce while the Neely bill is pending in the Senate and it is "extremely doubtful" if Col. H. A. Cole, Allied's (Continued on Page 4)

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net
A.M. Seat.	12 1/2	12	12 1/2	+ 1/2
Col. Picts. vtc. (2 1/2%)	9	9	9	+ 3/8
Columbia Picts. pfd.	26	26	26	0
Con. Fm. Ind.	1 1/8	1 1/8	1 1/8	0
Con. Fm. Ind. pfd.	10 1/8	10	10 1/8	+ 1/8
East. Kodak	164 1/4	162 3/4	164 1/4	+ 1/2
do pfd.	173	173	173	- 1
Gen. Th. Eq.	11 3/8	11 1/4	11 3/8	+ 3/8
Loew's, Inc.	42 1/2	41 3/4	42 1/2	+ 5/8
do pfd.	173	173	173	0
Paramount	9	8 5/8	9	+ 3/8
Paramount 1st pfd.	103 3/4	103 1/2	103 3/4	+ 1/2
Paramount 2nd pfd.	10	9 3/4	10	+ 1/2
Pathe Film	10	9 3/4	10	+ 1/2
PKO	1 5/8	1 5/8	1 5/8	0
20th Century-Fox	20	19 1/4	19 3/4	+ 3/8
20th Century-Fox pfd.	19 1/4	19 1/4	19 3/4	+ 3/8
Univ. Pict. pfd.	4 3/8	4 3/8	4 3/8	+ 1/4
Warner Bros.	52	50	52	+ 2
do pfd.	52	50	52	+ 2

NEW YORK BOND MARKET

Keith B. F. ref. 6-46	100 1/4	100 1/4	100 1/4
Loew's deb. 3 1/4-46	103 1/4	103	103 1/4
Para. B'way 3-55	100 3-16	100 3-16	100 3-16
Para. Picts. 6-55	100 3-16	100 3-16	100 3-16

Para. Picts. cv. 3 1/4-47	89	88 1/2	89
PKO 6-41	90 1/4	90 1/4	90 1/4
Warner Bros. cv. 6-39	90 1/4	90 1/4	90 1/4
Warner Bros. db. 6-48	90 1/4	90 1/4	90 1/4

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8
Sonotone Corp.	1 1/8	1 1/8	1 1/8
Technicolor	15 1/4	14 3/4	15 1/4
Trans-Lux	1 1/8	1 1/8	1 1/8
Universal Corp. vtc.	1 1/8	1 1/8	1 1/8
Universal Picts.	1 1/8	1 1/8	1 1/8

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	100	101 5/8
Met. Playhouse, Inc. 2nd deb. '45	68	70
Roxy Thea. Bldg. 4s 1st '57	65	67

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

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New York City
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SECURITY

ITOA Board Goes Nautical but Nice

On Board the "Two Smiles"—(Special by carrier pigeon to THE FILM DAILY)—The ITOA board of directors met yesterday on J. Don Alexander's yacht to discuss the trade code, union contracts and possible cures for seasickness. Between enjoying Alexander's hospitality and his bottled goods, the board decided it would be better not to issue any statements until the effects of both wore off.

NBC Seeking Major Sports Events for Coming Telecasts

Officials of NBC's television division are making special efforts to line up sport and other special events for telecasts during the coming two months. Tennis matches, auto races and New York City's "Fire College" where its prospective fire fighters are trained are among the events being considered for future telecasts. Dramatic and vaudeville entertainment for evening programs will be continued, Thomas H. Hutchinson, television director for NBC, states.

Five for Cine-Alliance; "U" Will Release One

Paris (By Cable)—Cine-Alliance directed by G. M. Rabinovitch, will produce during the current year five features, including one with Danielle Darrieux which will have dialogue in both French and English and will be distributed in the U. S. and England by Universal.

Adelphi Anti-Trust Case Going Over Till Autumn?

Chicago — Adelphi theater anti-trust action against B & K and the majors, scheduled to come up before Federal Judge Wilkerson today, is expected to be postponed until Fall as counsel are on vacations.

Belgian Technicians Coming

Brussels (By Cable)—The Association of Cinema Technicians will sail for Canada and New York on Sept. 2. Its members will stay in New York for eight days and attend the World's Fair premiere of the Belgian picture, "Brazza," dealing with the conquest of the Congo, at the Belgian Pavilion.

Lachman to Direct in U. K.

Paris (By Cable)—Harry Lachman, the American director who is here directing "La Belle Mariniere, Mistigri," will shortly go to England to direct for 20th Century-Fox "They Came on the Night."

Capt. Norton Recovering

London (By Cable)—Capt. Richard Norton is recovering in the Yeovil Hospital from a fractured rib, injuries to the chest and mouth sustained in a motor accident.

Oaks Floyd Dead

Pittsburgh—Oaks Floyd, brother and partner of Glenn Floyd who operates theaters in Follansbee, W. Va., and Monaca, died of a heart attack.

"Hitler, Beast of Berlin" To Be Made As PPC Special

West Coast Bureau of THE FILM DAILY

Hollywood—Ben N. Judell's Producers Pictures Corp. will make "Hitler—the Beast of Berlin" as a special with increased budget, it was disclosed yesterday. Judell says pix will pull no punches.

PPC starts production activities July 24 when Tim McCoy goes before the cameras in "Texas Renegades," first of a series of eight mellers built around the character of a frontier marshal. Next to start will be "The Man from Oklahoma," first of a series of eight "Tales of Billy, the Kid" with George Huston as Billy. In August, Judell will start "Wanted for Murder" and "The Island of Fear," the latter based on Jack London's "A Thousand Deaths."

Another Para. Partner May Succeed Trendle in UDT

Detroit — Leonard Goldenson is making a survey of the local film theater situation following George W. Trendle's resignation as president of United Detroit Theaters. He returns to New York about Saturday to report to Barney Balaban, president of Paramount.

It is considered likely that a Paramount partner from another territory may step in. Goldenson said, "There is no intention of making any changes in the present personnel."

M-G-M and Fox Midwest Talk New Product Deal

New product deal between M-G-M and Fox Midwest Theaters is being talked here. Harris P. Wolfberg, M-G-M district manager, and Frank Hensler, Kansas City branch manager, arrived in New York yesterday for the confabs.

First French Technicolor Pix

Paris (By Cable)—First French picture filmed in Technicolor will be "Main Street of Paris" (temporary title meaning the Seine River), which J.-C. Bernard is now directing. Technicolor camera crew was sent over from London. The film is destined for showing at the New York World's Fair.

52's Board Refers Pact

At board meeting of Sound Technicians' Local 52, IATSE, on Tuesday night, the directorate decided to leave the entire matter of the agreement covering working conditions at all New York studios to a special membership meeting which will be called within the next two weeks.

COMING AND GOING

HAROLD LLOYD is here from the Coast.

FRANK HENSLER, M-G-M manager in Kansas City, and HARRIS P. WOLFBERG, district manager, are in New York.

HOWARD DIETZ flew to England yesterday on the Dixie Clipper.

OSCAR S. OLDKNOW, vice-president of National Theater Supply, has returned to the Coast from New York after two-weeks of office conferences.

RAY COLVIN, head of Exhibitors' Supply, accompanied by his wife, her sister, daughter and son, has motored here from St. Louis for a two weeks' vacation and to take in the World's Fair.

ROBERT RISKIN, to be associated with Frank Capra in Frank Capra Productions, arrives here from the Coast tomorrow for a few days' stop en route to Europe for a vacation.

FRANK DONOVAN, RKO production manager, returned to the New York office Tuesday from Sun Valley, Ida., where a Sportscope on trout fishing was filmed.

FRED C. DETMERS, camera technician with the permanent Technicolor camera crew at the Eastern Service Studios, has left for California where he will be assigned on temporary loan to M-G-M for work on "Northwest Passage."

MORRIS LEONARD, B & K counsel, has returned to Chicago from the Coast where he attended a birthday fete for Herman Webber and Leo Spitz at the former's Woodside, Calif., estate.

Col. Merges to Simplify Corporation Structure

Albany — Certificates have been filed in office of the Secretary of State here under which Columbia Pictures Corp., parent company, has merged into itself Columbia Pictures Corp. of California, Ltd., and Columbia Pictures Distributing Co., Inc.

Move is made to simplify Columbia's corporate structure.

Warner Theaters Quit Chi. Exhib. Association

Chicago—Warner circuit has resigned from the Chicago Exhibitors Association, it was learned yesterday.

Arnstein Suit Dismissed

Federal Judge Edward A. Conger, in an opinion handed down yesterday, dismissed after trial all counts of the suit of Ira B. Arnstein against Ascap, Warner Bros. Pictures, Inc., NBC, CBS, and a large number of music publishing firms. The Court stated that Arnstein's contention that the defendants had plagiarized a large number of his songs was unsupported by the evidence.

THE THEATRE

"A MUST GO ENJOY IT."—

Walter Winchell
GYPSY ROSE LEE Comedy Farce
with Music

I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN
Air-Conditioned. and JACK WHITE
Vanderbilt W. 48th St. Fvs. 8:40
Mats. Wed. & Sat.



"TARZAN" TIPS!

Successful Exploitation Ideas From Profitable Engagements!

(It's easy to duplicate the ideas and the PROFITS!)

LOUISVILLE, KY. A swimming contest was conducted to find Louisville's Tarzan. City winner received a Tarzan Trophy and a trip to Indianapolis, Indiana, to compete in the Kentucky-Indiana State Finals. The State winner received a trip to the New York World's Fair with all expenses paid.

JOHNSTOWN, PA. The Cambria Theatre, arranged with Cole Brothers and Art Mix Circus to have their elephants carry picture banners in the circus parade. A Tarzan Call Contest was exploited over the theatre's PA system with winner receiving a cash prize of \$10 and runners-up free movie tickets.

ROCHESTER, N. Y. Caged lion exhibit displayed in front of Loew's Theatre for four days prior to and during picture opening. Jungle atmosphere prevailed with animal skins strung around marquee. "California Jack" was in charge of the exhibit and answered questions relating to his travels in the African wilds. Man in gorilla costume rode a bicycle on the streets for three days. Band paraded to theatre on opening day.

ASBURY PARK, N. J. The St. James Theatre sponsored the first major swim meet of the season, at this noted resort, for its engagement of "Tarzan Finds a Son!" Awards consisted of a gold trophy, a trip to the New York World's Fair and 13 other prizes. The Tarzan Swim Meet was held at the Natatorium and was exploited by the Asbury Park Evening Press.

WASHINGTON, INDIANA. Through arrangement with the Indiana Theatre, and the Washington Democrat, a state-wide contest for a Tarzan type of swimmer was put over. The stunt had the cooperation of the mayor and the president of the local chamber of commerce. Voting coupons appeared in the paper and readers were urged to cast their votes for the young man they felt was best qualified to represent Washington in the Indianapolis finals. One of the prizes in this big promotion undertaking was a trip to the New York World's Fair. The contest was widely published in many cities in the States of Indiana and Kentucky.

CLEVELAND, OHIO. Loew's State Theatre prepared a big jungle float for its play dates. Mounted elephants, tigers and lions were shown together with a man dressed in animal skins, who gave the Tarzan Yell. Mounted animals were also displayed in the lobby and an atmospheric jungle front attracted plenty of attention.

BINGHAMTON, N. Y. The Strand Theatre exploited a Tarzan Camera Contest. Contestants were instructed to take pictures of children with any kind of an animal. Three fine cameras were awarded winners who bore the closest resemblance to Johnny Sheffield.

SEYMOUR AND FRANKLIN, INDIANA. The Vondée and Artcraft Theatres, respectively, tied in with the Washington (Indiana) state-wide Tarzan swim contest.

SOUTHAMPTON, L. I., N. Y. The spectacular Tarzan Float, which was seen by New York City's millions who turned out to greet England's King and Queen, and which ballyhooed New York City's Capitol Theatre engagement, was a feature in American Legion's Fourth of July parade. The Southampton Press publicized the presence of the Tarzan Float in front page stories.

HARRISBURG, SCRANTON AND WILKES-BARRE, PA. Due to promotion enterprise Harrisburg had a long line of standees waiting for the opening performance. M-G-M's Tarzan Float covered part of Pennsylvania after its ballyhoo for the Capitol Theatre (N. Y.) engagement. Tarzana, the movie chimpanzee, was a feature of the animal float and attracted large crowds in Harrisburg, Scranton, Wilkes-Barre. Comerford Theatres played the picture in the last two cities. All newspapers cooperated with art and stories on Tarzana.

NEWARK, N. J. Loew's State Theatre searched for a local "Tarzan, Jr." on the basis of athletic development and resemblance to Johnny Sheffield. The winner and his mother were guests of Johnny Weissmuller at the World's Fair and the stunt broke the city's newspapers.

WATERBURY, CONN. Loew-Poli Theatre backed the engagement with one of the biggest campaigns ever seen on a jungle picture attaining coverage by using all ideas, missing no bets!

VANCOUVER, CANADA. The Vancouver Sun conducted a contest along the line of—"Have You a Little Tarzan in Your Home?" Youngsters who most closely resembled Johnny Sheffield, "Tarzan Jr.", or who most closely approximated a set of physical measurements, were eligible to enter. Cash prizes and a free trip to the New York World's Fair were the prizes. The Orpheum Theatre participated.

"TARZAN FINDS A SON!" with the one and only JOHNNY WEISSMULLER • Maureen O'Sullivan and John Sheffield, Ian Hunter, Henry Stephenson, Frieda Inescort, Henry Wilcoxon, Laraine Day • Screen Play by Cyril Hume • Based upon the Characters Created by Edgar Rice Burroughs • Directed by Richard Thorpe • Produced by Sam Zimbalist

ALLIED MAY SPURN D OF C'S PARLEY BID

(Continued from Page 1)

prexy, or other Allied representatives will respond to the Department's invitation.

THE FILM DAILY was so advised yesterday by Abram F. Myers, Allied's board chairman and general counsel, who denied that Colonel Cole would come to Washington for a meeting with Dr. Willard Thorp of the D of C next Wednesday.

Assailing the Commerce meetings as an effort on the part of the majors to forestall action on Neely's bill, Myers said: "What's the sense of proceeding with investigation of the motion picture industry by the Commerce Department when the Justice Department has been investigating all along? The majors wanted to play one Department against the other, but after secretary Hopkins' letter to Senator Neely, they have lost interest."

The Allied General Counsel expressed doubt if the majors will follow up the conferences inasmuch as Hopkins wrote Neely that the meetings were not intended to interfere with consideration of the block-book-bill.

The Neely bill may come up for Senate consideration today; measure is automatically the unfinished business of the upper house after the disposition of the social security amendments.

Majority Leader Alben Barkley told Neely that there has been no effort to sidetrack the bill and that, personally, he "not only has no intention but no desire in any way to interfere with its consideration."

Tully Promoted

Rico D. Tully, formerly National Supervisor, has been appointed Branch Manager and Director of Research of the Portland, Ore. area, effective immediately. He is to replace F. B. Gamble, forced to resign because of ill health.

R F Transfers Briggs

R. L. Briggs, former supervisor and research salesman for the Portland, Ore., Branch of Ross Federal, has been transferred to the Seattle Branch, where he will act as research salesman.



Best wishes from THE FILM DAILY
to the following on their birthdays:

JULY 13

Carl E. Milliken
Sidney Blackmer
Cornelius Keefe

ALONG THE



WITH PHIL M. DALY

● ● ● MAN IN the Iron Mask parades to offices of the various film editors and reviewers on the metropolitan papers and the editors of the trade papers.....it was a strong novelty plug for the United Artists' picture of the same title, with the production opening at the Music Hall.....the Masked Man had a large crowd trailing him all over the streets, and clogging up corridors of buildings as he made his way about town.....

● ● ● INVITATIONS have been sent to all film men in the New Haven district.....to attend the fourth annual Connecticut MPTO golf tournament.....at Racebrook Country Club on August 1.....the activities will begin with a nine-hole qualifying round at 10 a.m., with luncheon at 1 p.m.....followed by an 18-hole tournament play.....entertainment and awarding of prizes in the evening.....the committee on arrangements consists of Irving C. Jacobs, Jr., Ed Levy, Edward Raffile, Lou Anger, Leo Bonoff, Harold Eskin, B. E. Hoffman, Adolph G. Johnson, Arthur Lockwood, Sam Rosen, Harry F. Shaw, Max Tabackman.....

● ● ● THAT stunt of the "encore" performance of "The Mikado" at the Palace Theater went off in fine order.....a special trailer explained that the encores of the pop numbers would be given, the first time such a thing had been tried on the screen.....there were four encores.....with an extra projection machine cutting in with duplications of the big singing numbers.....it went very smoothly, and the audience seemed to enjoy the novelty.....it was the idea of Louis Pollock of Universal's publicity dept.....Johnnie O'Connor of the RKO Theaters arranged for the Palace tryout.....

● ● ● LARGE and attractive window card is being distributed to some 5,000 dealers throughout the country by the House of Westmore.....in a tieup with Warners on "Daughters Courageous".....the large chain stores are in on the tie-up.....the card plugs the Westmore cosmetics which these stores handle, and features the three Lane Sisters and Gale Page, using different kinds of makeup to suit their particular coloring and hair styles.....

● ● ● AS a charter member of the Sidewalk Superintendents' Club of Rockefeller Center.....we are proud to announce that the club has entered upon its final duties, supervising the fourteenth and last building of the Center.....the blasting is now going forward on the Sixth Ave. site at the corner of 48th St.....the club's headquarters have been shifted fourteen times.....we members of course meeting on the sidewalk in front of each new construction job.....a charter member of this Club can easily be recognized anywhere.....his head is constantly shifting from side to side, following the movements of the Lorain Diesel giant shovel as it scoops up the rocks and dirt, swings around and dumps the load in a waiting truck, and then swings back again.....members can never land jobs in Hollywood studios, for their heads are constantly saying "No" instead of "Yes".....

● ● ● IT is true that a grandchild was born to Moe Streimer of United Artists.....please ignore all previous notices, as this notice is Official.....the emergency banquet thrown at the Tavern yesterday was by way of a celebration, and most of the United Artists home office staff seemed to be there.....there was some talk of sending the luncheon bill to Moe... ● President J. Don Alexander of the Alexander Film Company reports that the export department handled by Charles Light will double this year the foreign sales over the 1938 figure.....and the 1938 sales doubled those of 1937.....which gives you a slight idea as to the sort of job Charlie Light is doing in over 30 foreign countries on ad films.....

DATE BOOK

July 24: Clyde Eckhardt silver anniversary dinner, Casino Room, Congress Hotel, Chicago.

July 24: Cincinnati Variety Club outing, Summit Hills Country Club.

July 24-27: Famous Players Canadian managers convention, General Brock Hotel, Niagara Falls, Ont.

July 27: ITOA all-industry outing, Indian Point.

July 28: Cleveland Variety Club golf tournament, Beechmont Country Club.

Aug. 1: Fourth annual MPTO of Connecticut golf tournament, Race Brook Country Club, Orange.

Aug. 1-4: Schine Enterprises convention, Gloversville.

Aug. 4-7: Gibraltar Enterprises convention, Denver.

Aug. 8-10: National Theaters regional convention, Kansas City.

Aug. 10: RKO Radio U. K. sales convention, Trocadero, London.

Aug. 14-16: National Theaters regional convention, Los Angeles.

Aug. 21: Cincinnati Variety Club golf tournament, Summit Hills Country Club.

Sept. 1-15: International Film Festival, Cannes, France.

Sept. 14-16: Biological Photographic Association convention, Mellon Institute for Industrial Research, Pittsburgh.

Oct. 1-7: Film industry's Golden Jubilee.

Oct. 15: Pittsburgh Variety Club banquet, William Penn Hotel.

Oct. 16-19: SMPE Fall convention, Hotel Pennsylvania.

Nov. 29: Motion Picture Associates dinner dance, Hotel Astor.

Big-Screen Television For 3 More London Houses

London (By Cable)—Baird television installations are to be made in three more London theaters—the Gaumont, Haymarket, the Gaumont Palace, Hammersmith, and the Gaumont Palace at Lewisham—doubling the number of theaters having Baird large-screen tele installations in London.

Scophony recently announced it would install tele screen in the Swiss Cottage, Odeon, also a suburban house.

CEA Silent on Maxwell's Proposal for Production

London (By Cable)—CEA officialdom maintained strict silence yesterday on the proposal by John Maxwell that the exhib. organization line up 1,000 theaters and form a production company. Maxwell is prepared, he says, to finance an approved scheme of this nature.

WEDDING BELLS

West Coast Bureau of THE FILM DAILY
Los Angeles — Betty Warner, younger daughter of Harry M. Warner, was married here yesterday to Milton Sperling, screen writer.

SHORT SUBJECT REVIEWS

"The Bear That Couldn't Sleep" (Rudolph Ising Cartoon)

M-G-M 9 mins.
Class

Mr. Bruin goes in to his cabin for his Winter sleep. Then the interruptions start, with the roof leaking on his bed, the windows blowing open, the fire crackling and popping. Then some crows get down his pajamas, and the bed starts to sizzle. Bruin lights out into the snow to cool off, and the door of his hut slams shut. By the time he manages to get back inside and straighten things out, Spring has arrived, and he has to desert his bed again. Done in Technicolor.

Paramount Pictorial (No. P8-11)

Paramount 10 mins.
Good Entertainment

Comprising a trio of stories about water, this one-reeler has a very definite practical and psychological value as Summer screen fare. Footage is good entertainment, dealing as it does with scenic shots attending the argosy of a boatman along the romantic and history-laden waterways of Old England. Audience is then transported to the Philippines where is depicted the strange but ingenious method of supplying fish commercially to the inhabitants. Instead of waiting until the fish have matured in the sea, they are collected while small and then raised to maximum size in fish-farm pools. Concluding sequence is down at the beach of a U. S. resort, and shows efficient patrolling by life guards, latter's duties, and a staged rescue.

"Riding the Crest" (Sportscope)

RKO Radio 9 mins.
Exciting

Fine camera shots of the fun at Waikiki. Starts with the maneuvering of sailboats through the dangerous coral reefs and the surf. Then the native boys riding the combers on their surfboards. The shots are very good, being closeups that follow the riders in from the time they start till they ride safely through the final crest to the beach. Very exciting. The surf board technique is shown in detail, and it proves to be quite a complicated art, and dangerous. Some nice stunting with a tandem surfboard, and also canoeing, complete a most interesting study of the famous Hawaiian beach. Produced by Frederic Ullman, Jr. Supervised by Frank Donovan.

"The Greener Hills" (A Miniature)

M-G-M 11 mins.
Human

The sprightly yarn of Mr. Miller, an incurable optimist, who is always chucking up his job or business to try something new. Wife and the boy and girl try to humcr him, figuring that some day he may make that million he is always talking about.

He takes over a peanut farm, and immediately starts off on a bee-hive industry, leaving the wife and kiddies to run the peanut farm. He comes back broke, to find the family has made good by sticking to one thing—peanuts. Cured of his wanderlust, he settles down. Featured are Emmett Vogan, Grace Stafford, Cora Sue Collins, Ronnie Cosby. Directed by Sammy Lee, from a script by Alfred Giebler. Produced by Jack Chertok.

"Lucky Pigs" (Color Rhapsody)

Columbia 7 mins.
Lively Cartoon

Good satire on the income tax, with Mama and Papa Pig winning the big sweeps prize. They start to spend, starting with a gorgeous mansion and all that goes with it. But when the tax man starts to collect, they are right back in the pig pen with the little piggies, where they all started. Produced by Charles Mintz. In Technicolor.

"Devil Drivers" (Sportscope)

RKO Radio 8 mins.
Racing Thrills

The road racing in various parts of Europe is covered in some exciting scenes of daredevil driving. Monte Carlo, Tripoli and the Grand Prix at Neuville. Then the Donington Park Races in England. But the exciting races are those on the dirt track in the United States, with the Indianapolis classic providing the thrills and spills. The latter are piled on with a series of smashups, with cars and their drivers hurtling into the air. Other shots show midjet car racing. Produced by Frederic Ullman, Jr. Supervised by Frank Donovan.

"Miracles of Modernization"

FHA 10 mins.
Swell Inside on Better Homes

Produced by RKO Pathe News for FHA with Frederic Ullman, Jr., Pathe chieftain at the helm, this Technicolor short should prove of interest to every home owner throughout the country. It shows the miracles of modernization in small houses and large houses, and how the average man can do the same thing. The color adds to the natural outdoor beauty of the settings, and the film all in all is a credit to the production department of Pathe.

"The Scared Crows" (Betty Boop Cartoon)

Paramount 7 mins.
Amusing to Audiences

Betty, with her trusty pup, Pudgy, as company, is working on the farm when a band of unruly crows decide to have a feast for themselves, and accordingly pilfer the seeds with which have just been sown. To prevent disaster, Betty gets a scarecrow in S.O.S. fashion, frightening the raiding crows. Latter, however,

repair to her house where they do a good job of raiding the pantry shelves, aside from making life miserable for Pudgy with their high-jinks and sharp beaks. However, the scarecrow is enlisted for service again and the crows are driven off. Dave Fleischer directed this amusing Max Fleischer Cartoon, which audiences will like.

"Picturesque Udaipur" (FitzPatrick Traveltalk)

M-G-M 8 mins.
Fine Travel

A fine camera survey in gorgeous Technicolor shots of this ancient city of India. Contrasts are shown in the life of the humble Hindus in the streets and market places, and the upper caste in the beautiful palace, where the motion picture machine penetrates for the first time through a special dispensation that FitzPatrick secured. The multiform life of the city is seen in close-ups, a very interesting glimpse of a little-known corner of India.

"Tempo of Tomorrow" (Headliner A8-11)

Paramount 10 mins.
Well-Made Ork Reel

Alluring voices of Stuart Allen, baritone, and of the comely and pop-songstress, Patricia Gilmore, add variety to this well-made and melodic ork short featuring Richard Himber and His Orchestra. Leo Robin and Ralph Rainger are composers of "The Prom Waltz" number sung by Allen, who also renders "Alone at the Station." The Patricia Gilmore highlight is "Listen My Heart." Tab reel has swing climax with a torrid composition "Gettin' Off." Himber's music is colorful and bound to please. Leslie Roush directed the short.

"The Technique of Tennis" (News World of Sports)

Columbia 10 mins.
Inside Stuff

Good tennis technique for the lovers of the sport, with Lloyd Budge, brother of the famous Don, showing the various tricks of the trade as he instructs some pretties who are there for atmosphere. The proper swing, the grip, the forehand, backhand, serve, footwork, timing, all are treated cleverly. The finale has Lloyd giving a demonstration of all-round skill.

"Life Begins for Andy Panda" (Walter Lantz)

Universal 8 mins.
Andy Panda, a cub, makes an auspicious debut in the cartoon world. The subject opens with fellow denizens of the forest offering various names for the newly born off-spring of Papa and Mama Panda, but the parents decide on the name of Andy. Papa Panda warns Andy not to wander from the forest, but Andy insists he wants to get in a newsreel. He steals away from the forest and is chased by pigmy hunters. Papa and Mama try to res-

cue Andy, but it is a little skunk who frightens away the hunters and it is really Andy who saves his parents.

"Swinguettes" (Pathe Reelism)

RKO Radio 8 mins.
Classy Dance

Arthur Murray presents his ballroom dancers in some very modern terpsichore that combines class with swing, done in the ritzy atmosphere of the Crystal Ballroom of the Ritz-Carlton. The audience is invited to join in, and no doubt the audience in the theaters on viewing it would be glad to join also, if they can find room in the aisles. The music and the steps are very catchy. Produced by Frederic Ullman, Jr. Supervised by Frank Donovan.

"Farewell Vienna" (Paraphagic)

Paramount 10 mins.
Fine Symphony

Fine orchestral presentation of the famous National Philharmonic Orchestra, playing an original composition, "Farewell Vienna," written by Frederick Feher, the conductor. Some fine waltz melodies make this a number that should please generally. The photographic presentation has been admirably handled.



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RAILWAY EXPRESS
AGENCY INC.

NATION-WIDE RAIL-AIR SERVICE

EXCHANGES TO ADVISE ACCOUNTS OF JUBILEE

(Continued from Page 1)

reads, "you will receive by mail, free of charge, a manual containing suggestions for participation in the Golden Jubilee of motion pictures."

"This manual is being prepared for the express purpose of aiding you to utilize the occasion to increase attendance in your theater, and, further, to popularize motion picture entertainment."

"Watch for the manual. It will be to your advantage."

A committee meeting will probably be held during the coming week, it was said yesterday by Kenneth Clark, chairman.

Fort Worth Theaters Join Summer Season Ballyhoo

Ft. Worth, Tex.—Fort Worth theaters for the first time have joined with local business men and civic groups in promotion of the "Greater Summer Show Season" for Fort Worth, in the campaign to make this city the southwest's amusement center. Advertising campaign stresses bigger movies to be seen here, bigger name bands on hand at dance spots, and Casa Manana, the open-air cafe-theater which opens July 21, for the fourth season. The William Morris Agency is producing the revue this year which features such screen names as Russ Morgan's orchestra, Frances Langford, Ray Bolger, and others, as well as Bob Burns, in one-nighter engagement in August.

Interstate Circuit is running daily trailers on the Summer Show Season in 40 theaters in surrounding territory. Newspaper, radio and billboard advertising is being used also.

P. C. Levy, city manager for Interstate theaters here, is general chairman for the Greater Summer Show season campaign.

Cozine to Do Shorts Series

Ray Cozine, former Paramount director, will shortly start production on a new series of two-reelers in a "Search for New Talent" idea at the Astoria studios. Cozine has been identified with a great many feature productions as well as having made tests for most of the stars out in Hollywood.

Reopening In Slickville

Pittsburgh—The theater in Slickville, which has been closed a number of years, has been taken over by Albert Sack of Vandergrift. The house will be remodeled and new equipment installed, and will be ready for reopening about Aug. 5.

B. & K Using "Name" Bands

Chicago—"Name" bands policy is being pushed for the Balaban & Katz ace Chicago theater. Rudy Vallee is set for week of July 28 and Gene Krupa the week of Aug. 11.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the sixteenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 16

III. PERMANENT ARBITRATION BOARD

(1) *Appointment of Panels:* In addition to the panel of neutral arbitrators, there shall be a panel of ten arbitrators appointed by distributors and affiliated exhibitors, and another panel of ten arbitrators appointed by all organized exhibitor groups, in the Exchange territory. In this manner, there will be created three distinct panels in each Exchange territory:

- (a) Five to ten neutral arbitrators appointed by distributors, affiliated exhibitors and organized exhibitor groups.
- (b) Ten arbitrators appointed by distributors and affiliated exhibitors.
- (c) Ten arbitrators appointed by organized exhibitor groups.

Who May Appoint Panels: Distributors, affiliated exhibitors and organized exhibitor groups may participate in the appointment of these panels which have signed the Trade Practice Code and which carry on their business at the time of the appointment. An organized exhibitor group may participate if it has members who have signed the Trade Practice Code and who are operating theaters.

Unanimous Appointment: The ten arbitrators appointed by the distributors and affiliated exhibitors must be selected by unanimous action of that group. Similarly, the ten arbitrators appointed by the organized exhibitor groups must be selected by unanimous action.

No Compensation: The arbitrators on the two panels thus appointed, unlike the neutral arbitrators, shall receive no compensation.

Associated With Industry: The arbitrators on these two panels, unlike the neutral arbitrators, will be associated with some branch of the motion picture industry. (Seventeenth installment will appear tomorrow.)

N. W. Allied to Pay Steffes \$15,000 a Year for 3 Years

(Continued from Page 1)

at \$15,000 per year. The board of directors is to decide date of the September meeting within 10 days. President Steffes was instructed to appoint a committee to work on the buying combine plan in preparation for the meeting.

The Northwest box office situation was thoroughly discussed and resolutions to close all member theaters in the Twin Cities were defeated, but indications were that about 10 houses would close by August.

Other resolutions included: thanking Steffes for his services, condemning film advertising companies for multiple business ads and single screen units, empowering officers to take court action to collect dues, ordering officers to notify members to watch renewal dates on National Screen Service contracts.

Steffes ridiculed trade papers which have carried rumors of dissension in Northwest Allied, stating no attempt was made to get out state members to the meeting, and that all was harmony among those present.

Para.'s "L'Empire Francais"

Paris (By Cable)—Paramount has completed a documentary film entitled "L'Empire Francais," under the direction of Philippe Este, with montage by Fred Orain and sound by Jean Putel. Pix deals with France's colonial empire.

Four A's Trial of AFA Will Resume Tomorrow

(Continued from Page 1)

at its conclusion, it was said last night.

At yesterday's session, Kenneth Thomson, SAG exec. and second vice-president of the AAAA, and Allen Corelli, executive secretary of the Theater Authority and former member of the AFA Council, were still witnesses.

Thomson charged that since 1937 there had been no co-operation between the AFA and other groups affiliated with the AAAA and that conferences with Ralph Whitehead, AFA exec. secretary, looking to SAG-AFA joint action were futile.

Corelli swore that although the AFA Council membership was in excess of 30, meetings during the years he was a councillor were attended only by six others, all either AFA employees or WPA workers who secured such jobs through the union. Meetings were not held in Whitehead's absence, it was said, and Whitehead's wishes generally prevailed. Corelli said that during the period neither Sophie Tucker nor Harry Richman attended meetings and that Fred Keating, a past president, vainly had sought invitations to meetings although a Council member.

Discussing relief activities of the AFA, Corelli charged that although it was a "general understanding" moneys derived from benefits were to go directly to the needy with no strings attached, the AFA asked for IOU's and in instances refused aid on various grounds.

NEB. AND W. IA. MPTC DEFER ACTION ON CODE

(Continued from Page 1)

points, and maybe we can get rid of the bad ones."

During a heated three-hour session, exhibs. aired their views of film companies "which suggest a Code for the betterment of the industry and then turn around and violate the main points of the very Code they propose. However, general features covering arbitration and cancellation received favorable comment."

Exhibs were especially vehement over reported attempts by distributors to increase rentals for the 1939-40 product in order to cover the jump from 10 to 20 per cent in cancellations. Williams pointed out that conditions in Nebraska and western Iowa, about to reap the first good crop in six years, did not warrant any "additional burden on the exhibitor at present."

Indie exhibs from this area were well represented at the session.

Jack Skirball Resigns His Grand National Post

(Continued from Page 1)

and E. W. Hammons, president.

Skirball plans to devote his entire attention to his independent producing company, Arcadia Pictures. He will remain in New York about a week before resuming production on the Coast. Skirball had been associated with Hammons since the founding of Educational Pictures, having been a franchise holder for the Ohio territory before becoming sales manager seven years ago.

Both Hammons and Skirball stressed the point that the latter's retirement from GN was on "an entirely amicable basis and was in no way due to any differences of opinion as to company policies."

Skirball said: "For some time past, it has been my desire to devote all my time to my own independent production. My resignation will enable me to put these plans into effect."

Hammons said: "I have known for a long time of Mr. Skirball's desire to go into independent production, and I am most appreciative of the fact that he has withheld his resignation until such time as our company's refinancing plans have been definitely arranged for."

Cincy V. C. Sets Events

Cincinnati—UA's Harris Dудelson, M-G-M's Bill Devaney, Andy Niedenthal and Irving Sochin are the committee for the Variety Club's annual picnic to be held July 24, at the Summit Hills Country Club. Variety Club's Golf Tournament is set for Aug. 21, at the same place. RKO's Joe Goetz is general chairman, with Andy Niedenthal and Maurice White, assistants.

REASONABLE FREEDOM FOR INDUSTRY URGED

(Continued from Page 1)

(io), the film industry's No. one man struck out boldly for freedom of the screen, declaring, "If the motion picture had existed when the Constitution was written, it would have been surrounded by the same safeguard which were devised for the press and speech."

"This freedom, so utterly vital, however, is not a one-sided matter," Hays continued. "It is as important to the people and the nation it serves as it is to art-industry itself. The freedom of the screen which must be retained is not only the proper liberty of the creators but freedom to the universal public which they serve."

Turning specifically to self-regulation Hays said pointedly:

"Of course, self-regulation of business is the American way. No one would suggest that legislation yield its power to interpose upon business reasonable conditions. Clearly in the public interest. Business has progressed in spirit as well as method, in conscience as well as complexity."

"The American business man today is entitled, on the basis of his proved intelligence and recognition of community interests, to reasonable freedom at the hands of Government—freedom to work out the problems that are equally germane to the legitimate successful operation of business and to the welfare and prosperity of every working man and every working man's family. I urge that the method employed shall be such as to cause the result to coincide with the intent."

The MPPDA, said Hays, "has been the instrument through which a great business became effectively conscious of public interest" and he added, "The organized industry undertook its job of self-government by methods thoroughly American in character." Later, in elaboration, the MPPDA prexy affirmed:

"The underlying philosophy of the self-regulation in the motion picture industry always has been and is based on developing the greatest measure of liberty for the public to choose its entertainment from the variety of themes posed by life or created by literature."

Declaring that the industry proposes to protect "the liberty which self-regulation has brought to the screen," Hays acknowledged that "with every right there is a corresponding duty."

"More thought about duties and less about rights might be good generally," he added, "We might well talk less today about rights and more about duties. The motion picture art-industry, for its own welfare and for the maximum service it can thereby render, well intends to make its performances square with its privileges."

REVIEWS OF NEW FILMS

"Wyoming Outlaw"

with John Wayne, Ray Corrigan, Raymond Hatton

Republic 62 Mins.
DISTINGUISHED BY FINE DRAMATIC PERFORMANCE OF DONALD BARRY AS THE OUTLAW.

The Three Mesquiteers are secondary to Donald Barry, who plays the part of the outlaw. This young actor, who has appeared in four productions this year, including "Calling Dr. Kildare," gives an impressive performance. He is very much on the style of John Garfield, but to this reviewer even more forceful and dominant in his dramatic moments. When the posse corners him in the hills, there are innumerable closeups of him that prove him to be one of the real finds. Seldom has a western been graced with such a fine performance. The Mesquiteers have their share of honors, in a fast-moving story crowded with live incident. Their efforts are centered in showing up a crooked local politician who has been selling state and federal jobs on road work to the impoverished ranchers. The son of one of these is Barry, who, embittered at the outrages, turns against society. The incidents parallel those of the late Wyoming outlaw who was featured on the front pages, coming to town to rob a bank, and being shot by one of his boyhood pals. This is also the finale of the current story. Only the outlaw uses the crooked politician as his shield, and both die.

CAST: John Wayne, Ray Corrigan, Raymond Hatton, Donald Barry, Adele Pearce, LeRoy Mason, Charles Middleton, Katherine Kenworthy, Elmo Lincoln, Jack Ingram, David Sharpe, Jack Kenney, Yakima Canutt.

CREDITS: Producer, William Berke; Director, George Sherman; Author, Jack Natteford; Screenplay, Betty Burbridge, Jack Natteford; Cameraman, Reggie Lanning; Editor, Tony Martinelli.

DIRECTION, Good. PHOTOGRAPHY, Fine.

Pitts-Roth to Build

Suffolk, Va.—Pitts-Roth Theater Corp. will start work here this week on a 1,000-seat house that will incorporate every modern feature available for theaters. Theater will be air-conditioned and will have a 10 lane bowling alley in the basement.

Two More Close In Detroit

Detroit—Two more downtown theaters have closed—the Times Square and the National. National closing was expected, and house is slated to reopen in the Fall, but the Times Square, the subject of recent litigation, closed without warning.

John S. Cooper Dead

Pittsburgh—John S. Cooper, who recently disposed of his interest in the Strand Theater, St. Michaels Pa., to his partner, M. Younridge because of poor health, died at Mercy Hospital, Altoona.

★ FOREIGN ★

"Lenin in 1918"

with Boris V. Schchukin, Nikolai Cherkassov

Amkino 130 Mins.
WELL PRESENTED STORY OF A TURBULENT RUSSIAN PERIOD.

Gifted with a talented cast, this latest release from the Moscow studios carries on the Russian film makers' history of the great patriot of the USSR. The characterizations are sharply and skillfully delineated by the cast and able direction keeps the film interesting at all times. If any fault can be found with the film, it lies in the fact that the scenarists have gone so far out of their way in places to idolize Lenin that they lose the dramatic trend of the story. The Russ fans will like this one very much.

CAST: B. V. Schchukin, Nikolai Cherkassov, M. G. Gelovani, N. Borolyubov, V. M. Markov, Z. V. Dobina, N. Okhlopov, K. V. Korobova, V. V. Vanin, E. N. Muzil.

CREDITS: Produced by Mosfilm; Director, Mikhail Romm. Presented at the Cameo Theater with Russian dialogue and English titles.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Kustens Glada Kavaljerer"

(The Happy Cavaliers)

with Carl Barcklind, Inga Vetterland

Scandinavian Talking Pictures 85 Mins.

AMUSING COMEDY WITH SWEDISH FAVORITES WILL ENTERTAIN SCANDINAVIAN FANS.

Broad humor is featured in this new Swedish comedy, and it has been projected on the screen neatly. A cast of favorite Swedish actors will amuse the Nordic audiences no end as they pursue their merry way through the film. English titles supplement the dialogue. The story concerns two boys who are recruited under protest for naval training, and a grocer who is anti-militaristic. The end of the film finds the trio converted as patriots, but not before the gamut of comic situations has been exhausted.

CAST: Carl Barcklind, Inga Vetterland, Fritiof Billquist, Karin Ekkelund, Thor Modéen, Karl Holmsten, Ake Soderblom, Rut Holm, Sven Bergwall.

CREDITS: Europa Film Production; Director, Ragnar Arvedson. Presented at the 48th St. Theater with Swedish dialogue and English titles.

DIRECTION, O. K. PHOTOGRAPHY, Good.

Mrs. Jack Kirsch Hurt

Chicago—Mrs. Jack Kirsch, wife of the prexy of Illinois Allied, is reported resting comfortably following injury in a motor crash near Michigan City.

U. S. D'STRIBS. FIGHT SWISS QUOTA MEASURE

(Continued from Page 1)

establishment of the Swiss Film Chamber here on Oct. 27, last, which body was invested by the Department of the Interior with the right to issue film import permits, there have been periodic reports that quota legislation might be enacted to reduce the number of Hollywood features, although U. S. pix are appraised as indispensable to the Swiss market.

Should the quota legislation materialize, it will be the eventual outgrowth of an existing law empowering the Government to establish import restrictions on various commodities, films included.

Cheapening of South Amer. Money Upsetting Pix Market

(Continued from Page 1)

vice-president in charge of foreign sales, asserted that while conditions in these countries are generally good, an upsetting feature is cheapening of currencies, thus tending to nullify film revenue gains in terms of the American dollar.

Two countries,—Mexico and Argentina,—Goodman said, are beset with certain important problems, and therefore must be set down as exceptions to the prevailing good conditions elsewhere.

In Mexico, there has been a decline in the peso. This coupled with other political and economic problems, not the least of which is that of labor-industry relations, is retarding Mexican production, and consequently exhibition.

Argentina presents a different story, Goodman asserted. There, the disturbing factors lie within the film industry structure. System of selling pictures appears faulty, added to which there is a tendency to go in for multiple bills, utilizing as many as four pictures.

Although there has been some talk of quota legislation in Argentina, there is little support for such a measure. Production numerically, he added, has been growing, the predicted studio output being set at 75 features, although it is more likely that between 50 and 60 will emerge, which is, nevertheless, an actual gain over last year.

Republic, Goodman added, is devoting a good deal of attention to expansion of its business in Pan-America.

Theater Supply Gain Seen

Cincinnati—Herman Hunt, National Theater Supply, predicts 1939 third quarter business will show a considerable increase over last year, and also over the first and second quarters of this year. While business for the first quarter of 1939 fell off somewhat, the second quarter showed a substantial gain over last year.

Industry on its Own in Fighting Ohio Tax Litigation

New State Tax Board Head Thinks Levy Should be Collected

Columbus, O.—Film industry will be strictly on its own in defending the two taxpayers' suits involving non-payment of Ohio's 3 per cent sales tax on film rentals from Jan. 1, 1935 to date when they come up Saturday, it was indicated here yesterday.

William S. Evatt, newly appointed head of the Ohio Tax Board, clearly forecast its future policy by saying, "I am of the opinion that the tax should be collected."

Evatt stated that he had no plans to defend the exemption action of the previous commission, adding that he had instructed the Attorney General to present only "the essential facts" to the Court.

Any other defense, said Evatt, must come from the industry.

At stake is an aggregate tax approximating \$1,200,000. While the action is directed against the film distributors, in the event of an adverse decision, the later will, under the provisions of exhib. contracts, collect the amounts from their theater accounts.

Custer and Price Will Open Two In September

Cincinnati — Gene Custer and Floyd Price are erecting two new theaters for early September opening. One at East Charleston, W. Va., will be called The State, and will be a 600 seater. The other house, located at Lewisburg, will be named The Lewis, and will have 618 seats. Both houses will be completely equipped by National Theater Supplies, including new Simplex Sound equipment.

Manos Buys Theater Block

Pittsburgh—Mike Manos, who operates the Manos Circuit of Theaters, purchased the building in which the Palace Theater, Tarentum, is situated at sheriff sale this week. Whether or not he will operate the theater in conjunction with his other movie houses or arrange for the present lessee, William L. Brown, to continue operating it, has not yet been decided.

Buffalo V. C. Golf Tourney

Buffalo — Golf tournament and dance will be held at the Wilmont Golf and Country Club here Monday by the Variety Club. Syd Lehman is in charge of the affair.

Title Change Flops

Racine, Wis.—Aftering the monicker of "Shopworn Angel" to "Love Walked In," in its opening advertising by the New Granada Theater, local subsequent-run house, didn't set so well with many theatergoers. As a result, the house switched back to the regular title in later copy. Flicker was dualed with "Boys' Town."

British Exhibs. and Distribs. to Co-op On Over-Building, Bank Night Problems

London (By Cable)—As a result of preliminary conferences between CEA and KRS execs., the two organizations will co-operate on both redundancy (over-building) and Bank Night problems, it was learned yesterday.

Games problem had an airing at the recent CEA summer conference at Blackpool, and it is understood that the KRS will join with the exhibitor body in a determined effort to prevent Bank Nights.

\$6,000,000 Warner Loan Agreement is Completed

(Continued from Page 1)

credit agreement entered into on Feb. 27, last, by the company with Guarantee Trust Co. of New York, the New York Trust Co. and the Continental Illinois Bank & Trust of Chicago, has been completed via borrowing on June 27 of \$4,750,000 from these banks.

Step gives Warners full \$6,000,000 credit amount under the agreement, all of which is outstanding.

All security back of the loans has been delivered to the lending banks, including first mortgage in principal amount of \$3,000,000 on the Burbank studios.

Under agreement's terms company could borrow up to \$6,000,000 on a series of 5 per cent loans maturing semi-annually, from Apr. 1, 1940, to Apr. 1, 1944, if full amount were borrowed.

Warners also reported that on May 26 a totally owned foreign corporation was organized. Company, on ground that revelation of subsidiary's name would be detrimental to interest of security holders, withheld it.

Amusement Stocks Moving Up; No Summer Slump This Season

Amusement stocks advanced fractionally on the Big Board yesterday, with one stock, Warners preferred, moving up two points. Single decline was registered, Eastman Kodak being off one. On the Bond and Curb Markets, stocks held or gained.

Better tone of the markets reflected the generally optimistic note struck by a Wall St. Journal survey, results of which were published yesterday. Said the financial paper:

"Trade and industry have fought off the usual summer drag; now a number of key industries are climbing steadily, tenaciously toward more profitable levels at a time of the year when businessmen normally are resigned to slumping sales and production figures.

"Barron's weekly business index, seasonally adjusted, has been climbing steadily since the end of the soft coal strike on May 13."

Nanos Funeral Held

St. Louis, Mo.—Funeral services were held at the St. Nicholas Greek Orthodox Church yesterday for Louis Ahileas Nanos, co-owner of the Criterion Theater.

American Bar Ass'n Approves Extensive Copyright Changes

(Continued from Page 1)

committee on copyright discussing far-reaching changes of an international as well as domestic nature proposed in the field of copyright law.

Resolutions offered in behalf of the committee on copyrights by its chairman, Edward A. Sargoy, of New York City, were adopted which:

Disapproved adherence to the International Copyright Convention as recommended by the Senate Foreign Relations Committee to the present Congress, unless there is prior domestic enabling legislation by Congress as a whole to prepare for such adherence.

Approved the Lanham bill (H. R. 5319) providing a specified period of 60 days after publication within which to deposit copies and register the claim to copyright in the copyright office.

Approved in principle copyrightability for acoustically recorded works, although disapproving the Daly and McGranery bills (H. R. 4871 and H. R. 6160) introduced for such purpose.

Disapproved the Moser bill (H. R. 6243) providing for compulsory licensing of any use of any copyrighted work of any kind, upon failing to secure an agreement with the copyright owner, by applying to the Federal Communications Commission upon royalty rates to be determined by the Commission after hearing.

The report of the Committee also discussed the various international and domestic activities of the committee for the study of copyright, popularly known as the Shotwell committee, and with which the various copyright interests have been co-operating for many months, as well as the recent order of the Supreme Court of the United States making the new federal rules of civil procedure applicable to copyright suits after Sept. 1, a matter which this committee urged in co-operation with similar committees of other Bar Associations.

Sills Back to Films

Ted Sills, for several years director of programs and vice-president in charge of production of Grombach Productions, Inc., and Jean V. Grombach, Inc., radio producers, has resigned, effective as of Monday last. Following a short vacation, he will re-enter the motion picture field.

BOOK REVIEWS

FOREMOST FILMS OF 1938, by Frank Vreeland. Published by Pitman Publishing Corp., New York and Chicago. 347 pp. Price, \$3.00.

Frank Vreeland has started in to do for motion pictures what Burns Mantle has been doing for years for stage plays—preparing a yearly volume on the "Foremost Films" of each year. In the first volume, just published by Pitman, he renders a much-needed service to exhibitors and fans. And Vreeland is peculiarly qualified for the task, for he has been drama and film critic on various New York newspapers, has had two pictures produced, put in three years in Hollywood and served in an editorial capacity with Paramount.

He has arbitrarily set 10 as the number of foremost films to receive extended synoptical and critical treatment, and, while some may quarrel with certain exclusions and inclusions, he had difficulties to contend with, such as obtaining copyright release, etc. The 10 pictures receiving full treatment are, in their order: "Wells Fargo," "Snow White and the Seven Dwarfs," "The Buccaneer," "In Old Chicago," "Algiers," "Love Finds Andy Hardy," "You Can't Take It With You," "The Citadel," "The Young in Heart" and "That Certain Age."

Synopsis and critical treatment of the films is preceded by running comment on "The Year in Pictures," "Production in Hollywood," "Pictures in Great Britain," in Europe, Latin America and elsewhere.

Survey of the year 1938 in pictures is completed by brief synopses of the plots of 476 other feature films produced during the year with casts and credits, making the book a handy reference volume for the industry and the general public.

In his treatment of the 10 foremost films, Vreeland gives a careful and full treatment of the plot, with the dialogue of the outstanding scenes, and appends an analysis of the picture, its production and entertainment value, supplemented with biographical data on the director and the leading players.

The author has been peculiarly happy in outlining the plots of the 10 outstanding films and in his introductory critical comment and the concluding analysis. The book is an invaluable addition to the library shelf devoted to books on the motion picture industry.

—L.H.M.

"Dry" Pix in India

Bombay (By Cable) — "Bottle of Brandy," prohibition propaganda pix produced by Huns, is being distributed to Indian theaters by Famous Pictures. Establishes a precedent here.

THE FILM DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 9

NEW YORK, FRIDAY, JULY 14, 1939

TEN CENTS

Marked Growth in Percentage Selling in Chi. Sector NEW THEATER BUILDING GAINS, REMODELING DROPS Circuit Tax Proposals Die in Wis.; Fear Admish Levy

Assembly Defeats Amend- ment, Then Passes the Omnibus Bill

Madison, Wis.—Pix industry in this state is reported not yet out of the legislative woods despite Assembly rejection of an amendment to the omnibus measure providing for circuit taxation plus an income tax on circuit gross earnings, both within and outside Wisconsin.

The bill passed the Assembly without amendment, the lower house also

(Continued on Page 5)

F & M SUES LAWYERS, ASKS FEE'S RETURN

St. Louis—Fanchon & Marco, Inc., and two Missouri-incorporated subsidiaries in a suit just filed in the St. Louis Circuit Court against John A. Leahy, Sr., prominent local attorney and two of his associates, Lambert E. Walther and Harold F.

(Continued on Page 10)

Siegels Coming to N. Y. for Republic Confabs

M. J. Siegel, president of Republic Productions, Inc., and Sol C. Siegel, in charge of production, leave the Coast tonight for New York to confer with James R. Grainger, Morris Goodman, and other Republic officials, together with Herbert J. Yates. The Siegels are expected to arrive on Monday.

Yesterday, Grainger left the home

(Continued on Page 6)

Knox Leaving Erpi Post on Physician's Advice

Harry Gard Knox, for the past nine years vice-prexy in charge of engineering of Erpi, has on the advice of his physician, tendered his resignation to take effect tomorrow. Knox plans to take a year's rest, during which time he will, however, be retained by Erpi in a consulting capacity.

Trade Code Revisions Still Incomplete As Major Sales Heads Adjourn Meetings

Conferences on the trade code revisions will be resumed today or early next week by the sales managers of the seven participating major companies. Meeting held yesterday did not wind up the huddles after an all-afternoon session. The sales chiefs started their confabs on Monday and, with the exception of Tuesday, have met every day this week.

GRAND NATIONAL WILL DEFENSE SUBSTITUTION SEEK ACE PRODUCERS SOUGHT IN OHIO SUIT

Revamping of Grand National's production schedule is expected to be in order shortly after the company's stockholders today give their anticipated approval of the two proposed re-financing plans. It is understood that E. W. Hammons, president, will go to the Coast in about 10 days to map out a new production program.

Company execs. believe there will

(Continued on Page 10)

New York Allied Will Press Membership Drive

Exhibitors joining Allied of New York after Sept. 1 will be required to pay an initiation fee of \$50, it was learned yesterday. For that reason, a concerted membership drive is to be launched between now

(Continued on Page 8)

Columbus, O.—With the flat statement, "We cannot see why we should fight the film industry's battle," Ohio Tax Commissioner William S. Evatt and Assistant Attorney General Aubrey Wendt, yesterday definitely signified intentions of defaulting their interest in two taxpayer's suits involving non-payment of sales tax on film rentals.

Commissioner Evatt reiterated his

(Continued on Page 10)

Wobber, Gehring, Talley at Eckhardt's Dinner

Herman Wobber, 20th-Fox sales chief; Bill Gehring, central division manager; Truman Talley, head of Fox Movietone, and Lew Lehr will go to Chicago July 24 to attend the

(Continued on Page 10)

Percentage Selling Gains in Chicago Area Despite Indie Exhib. Opposition

Neely Bill Goes Before Senate at Noon Today

Washington Bureau of THE FILM DAILY
Washington—Senator Matthew M. Neely's anti-block-booking bill is first order of business when the Senate meets at noon today. Neely's bill remained unfinished business while the Senate yesterday debated and finally adopted last night So-

(Continued on Page 10)

By JOSEPH ESLER

FILM DAILY Staff Correspondent

Chicago—New Season selling in this territory ranges from "good" to "excellent," according to local exchange managers. In the face of those reports, leading indies here profess to be in a non-buying mood, with percentage deals a special target.

Emil Stern, vice-prexy of Essa-

(Continued on Page 9)

\$8,404,000 for Construction in 37 States in First Six Months

Total expenditure for new theater construction in the 37 States East of the Rockies shows, for the first six months of 1939, a gain over the corresponding period of 1938, according to a comprehensive survey by John Ebersson, prominent film theater architect.

Outlay, checkup reveals, is slightly in excess of \$8,404,000, whereas, during the first half of last year, investment was approximately \$8,123,000.

While new theater construction advanced, on the other hand alteration volume declined slightly, the Ebersson survey discloses. In the first six

(Continued on Page 5)

JOHN HERTZ ACQUIRES PARA. COMMON STOCK

Washington Bureau of THE FILM DAILY

Washington—John D. Hertz has filed a report with the SEC stating he has acquired 1,000 shares of Paramount Pictures common stock, it was revealed today in the SEC semi-monthly summary of security transactions and holdings. This repre-

(Continued on Page 8)

Para. Central American Biz Running 15% Ahead

Paramount's business in Central America so far this year is approximately 15 per cent ahead of the same period last year, according to Henry Gordon, manager of the territory, who is in New York. Gordon esti-

(Continued on Page 10)

Report Major Demurring to Play-Financing Pact

While a complete draft of the Wharton-Wilk agreement on film financing of Broadway plays has not been submitted to producers, at least

(Continued on Page 3)

THE NEWSPAPER OF FILM DOM

ALL THE NEWS ALL THE TIME

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	123 1/4	123 1/8	123 1/4	+ 1/4
Col. Picts. vtc. (2 1/2%)				
Columbia Picts. pfd.	10 1/4	9 1/2	10 1/4	+ 1 1/4
Con. Pm. Ind.	1 1/4	1 1/4	1 1/4	+ 3/8
Con. Fm. Ind. pfd.	10 1/2	10 1/4	10 1/2	+ 1/8
East. Kodak	166 1/2	165	166 1/2	+ 2 1/4
do pfd.	174	173	174	+ 1
Gen. Th. Eq.	11 1/2	11	11 1/4	+ 1/8
Loew's, Inc.	44 1/4	42 3/4	44	+ 1 1/2
do pfd.				
Paramount	9 1/8	9 1/8	9 1/2	+ 1/2
Paramount 1st pfd.	93 1/8	93 1/8	93 1/8	+ 1 1/8
Paramount 2nd pfd.	10 1/8	10 1/2	10 1/8	+ 1/4
Pathe Film	10	9 7/8	9 7/8	+ 1/8
RKO	13 1/4	13 1/4	13 1/4	+ 1/8
20th Century-Fox	21 1/4	20	20 7/8	+ 1
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	5 1/4	4 5/8	5 1/8	
do pfd.	52	52	52	

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100	100	100	— 1/4
Indus. deb. 3 1/2s46	103 1/2	103 1/4	103 3/8	+ 1/8
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	89	89	89	
RKO 6s41	66 1/2	66 1/2	66 1/2	+ 3/8
Warner Bros. cv. 6s39				
Warner Bros. dbs. 6s48	90 3/4	90 1/2	90 1/2	+ 3/8

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 3/8	1 3/8	1 3/8	+ 1/8
Technicolor	16	15 1/4	16	+ 3/4
Trans-Lux	1 1/2	1 1/4	1 1/2	+ 3/8
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

COMING AND GOING

JAMES R. GRAINGER, Republic prexy, is in New England meeting circuit buyers. He is expected back on Monday.

JAMES STEWART arrived in New York yesterday by plane from Washington where Lincoln Memorial shots for "Mr. Smith Goes to Washington" were taken. After a few days here he returns to Columbia's Coast Studio.

ED SCHNITZER, Warner Eastern district manager, returns today from a business trip to New Haven and Boston.

M. J. SIEGEL, president of Republic Productions, Inc., and SOL O. SIEGEL, in charge of production, left the Coast last night for New York for product conferences with home office execs.

JACK ALICOATE, publisher of THE FILM DAILY and RADIO DAILY, returned to New York yesterday following a three weeks' motor trip through New England and New York.

G. D. SULLIVAN, assistant director of the Mort Singer Circuit, has gone from Chicago to Muskegon, Mich., on vacation.

LEE GOLDBERG, Big Features Rights prexy, left Cincinnati yesterday for a business trip to New York City, following which, with his wife and son, Jay, he will spend several weeks resting at Atlantic City.

ERNEST FEGTE, Paramount ari director, is in New York from the Coast.

DON MERSEREAU, general manager of THE FILM DAILY and RADIO DAILY, returned to New York yesterday from Atlantic City, having delayed his return a few days.

EMMETT BARNES, McKeesport, Pa., exhib., and wife, ROY SMART of Charlotte, N. C., where he is division manager for the Wilby-Kinney circuit, and CARL A. POKE of the Shilok Theater, Pittsburgh, wife and son, were callers yesterday at Paramount's World's Fair headquarters at the home office.

GEORGE HOWE of Chicago, auditor of the Mort Singer circuit, is spending his vacation fishing at Sparta, Wis.

GROVER C. PARSONS, Pacific Coast district manager for Republic, and J. T. SHEFFIELD, Republic's franchise holder in Seattle, arrive here

"Man in the Iron Mask" Starts Big at Music Hall

Largest opening crowd since Easter Week flowed into Radio City Music Hall yesterday morning to view initial performance of "The Man in the Iron Mask," new UA attraction.

Music Hall sources estimated last night that the picture would clock 24,000 admissions before the b.o. closed, and that drawing power presages a second week at the house.

The lobby was filled a half hour before the doors opened, and waiting patrons extended in a line virtually to Fifth Ave.

Picture, produced by Edward Small, was directed by James Whale, and stars Louis Hayward and Joan Bennett.

Reduction of 35 MM Pix for 16 MM Field Rapped

Pittsburgh—Furthering their campaign against the serving of non-theatricals by local distributing organizations, the MPTO of Western Pennsylvania, at its last meeting, went on record as unanimously opposing the reduction of 35 mm. film to 16 mm. for showing by non-theatrical accounts, claiming this to be harmful and detrimental to legitimately and consistently operated theaters in the territory.

Monday reportedly to co-operate with James R. Grainger, prexy, in negotiating a product deal with Fox West Coast theaters.

GEORGE RAFT will arrive in New York early next week primarily to attend the opening of Warners' "Each Dawn I Die" at the Strand.

FRED ULLMAN, Pathe News vice-prexy, leaves New York at the week-end for points West to line pictures for next season's Sportscope and Reelism series.

HERMAN FUCHS, RKO Pathe News music editor, leaves tonight for RKO's Coast studios to arrange new music for next season's newsreels and short subjects.

GEORGE SHERMAN, director, having just completed the new Gene Autry picture, "Colorado Sunset," is in New York for a 10-day visit.

BRUCE CABOT leaves Atlantic City for Marblehead, Mass., from whence he sails with Mr. & Mrs. Franklin D. Roosevelt, Jr., for a two month's cruise.

BRUNO ZWICKER sails next Wednesday on the Queen Mary for London and Paris, accompanied by SIMON STERN, financial head of Inter-Star Film Corp. of New York, to buy foreign product.

M. B. HUSTLER of the Fox Capitol Theater, Sacramento; SAMUEL NEAMAN of the Roxy Theater at Natrona, Pa.; FRED BROWN of the Plymouth at Plymouth, Wis., and BILL BROWN of the Durfee, Fall River, Mass., were callers at RKO Radio's World's Fair lounge.

GENE AUTRY arrives from Hollywood next Thursday.

LOUIS D. FROHLICH, film attorney, is back in New York following a short stay out of town.

DONALD CRISP, having completed his role in Warners' "The Lady and the Knight," left the Burbank studios last night for New York en route for a three-months vacation in Europe.

WILLIAM C. GEHRING of 20th Century-Fox left Chicago for New York last night after conferring with B & K on new season product.

AL CHRISTIE is at the St. Moritz. He returns to Hollywood in two weeks.

Quebec Council Defers Tax Collection to '40

Quebec — Quebec City Council's administrative committee has by resolution postponed collection of the 10 per cent tax on theaters until after April 30, 1940. The next step will be the cancellation of the tax by the legislature. Mayor Lucien Borne, in a statement, maintains his position that the city was bound to collect the tax once it had been legalized by the Legislature, but, in view of the assurance given the city by Premier Duplessis that all necessary steps would be taken to nullify the law, he recommended passage of the resolution.

Changes brought about by the five weeks' darkness include the appointment of Charles Rioux, former operator of the Cambrai to manage the Empire and the Cartier, and the sale of the Francais by J. E. Gagnon to Edmond Beaumont, of the Cinema De Levis.

Prince in New Orleans On UA-Saenger Deal

New Orleans—Dave Prince, UA southeastern district manager arrived here yesterday, assumably to start the negotiation ball a-rolling for a deal with Paramount-Richards and its various Saenger subsidiaries and affiliates.

Radtke Corp. Sues Five; Infringement Is Claimed

Radtke Patents Corp. yesterday filed a patent infringement suit, in U. S. District Court, against Blue Seal Sound Devices, Inc., Motion Picture Camera Supply, Inc., Ernest St. George, Chester Tappan, and J. Burger Contner. Plaintiff claims infringement of a patent on a "method of and means for 938, ally reproducing sound," issued to Albert Radtke, in 1922. Complaint charges the defendants with making and dealing in 16 mm. sound projectors which allegedly infringe on the patent. An injunction, accounting of profits, and damages are asked.

Earl Freshman Steps Out As Up-State Ascap Rep.

Syracuse—Earl I. Freshman, who has headed up-state activities of Ascap for many years, headquartering locally, has resigned, it was learned yesterday.

Ascap officials told THE FILM DAILY yesterday that Freshman's resignation has been accepted, and that he will be succeeded temporarily by Richard Power, pending selection of a permanent appointee.

Power will handle Ascap affairs from Rochester, through which office, it is planned, all Ascap business up-state henceforth will be cleared.

Venice Film Exposition Will be Held in August

Venice (By Cable)—Despite the International Film Festival to be held in France from Sept. 3 to 17 at Cannes, Venice will hold its seventh exposition in the latter part of August. Dr. Croza, director of the Festival, states that, aside from German, Japanese and Italian films, Belgium and a number of Latin-American countries will be represented. Spain will exhibit some shorts, and some English and Dutch pictures will be shown.

France and the U. S. are not participating in the exposition. However, Julien Duvivier's "The End of a Day," will be shown. Belgium will exhibit Denis Roosevelt's "Dark Rapture."

Fox Inter. Closes Two

Denver—Fox Intermountain has closed the Rialto at Walsenburg, and the Rialto at Durango.

THE THEATRE

"A MUST GO ENJOY IT."—

Walter Winchell

GYPSY ROSE LEE Comedy Farce

with Music

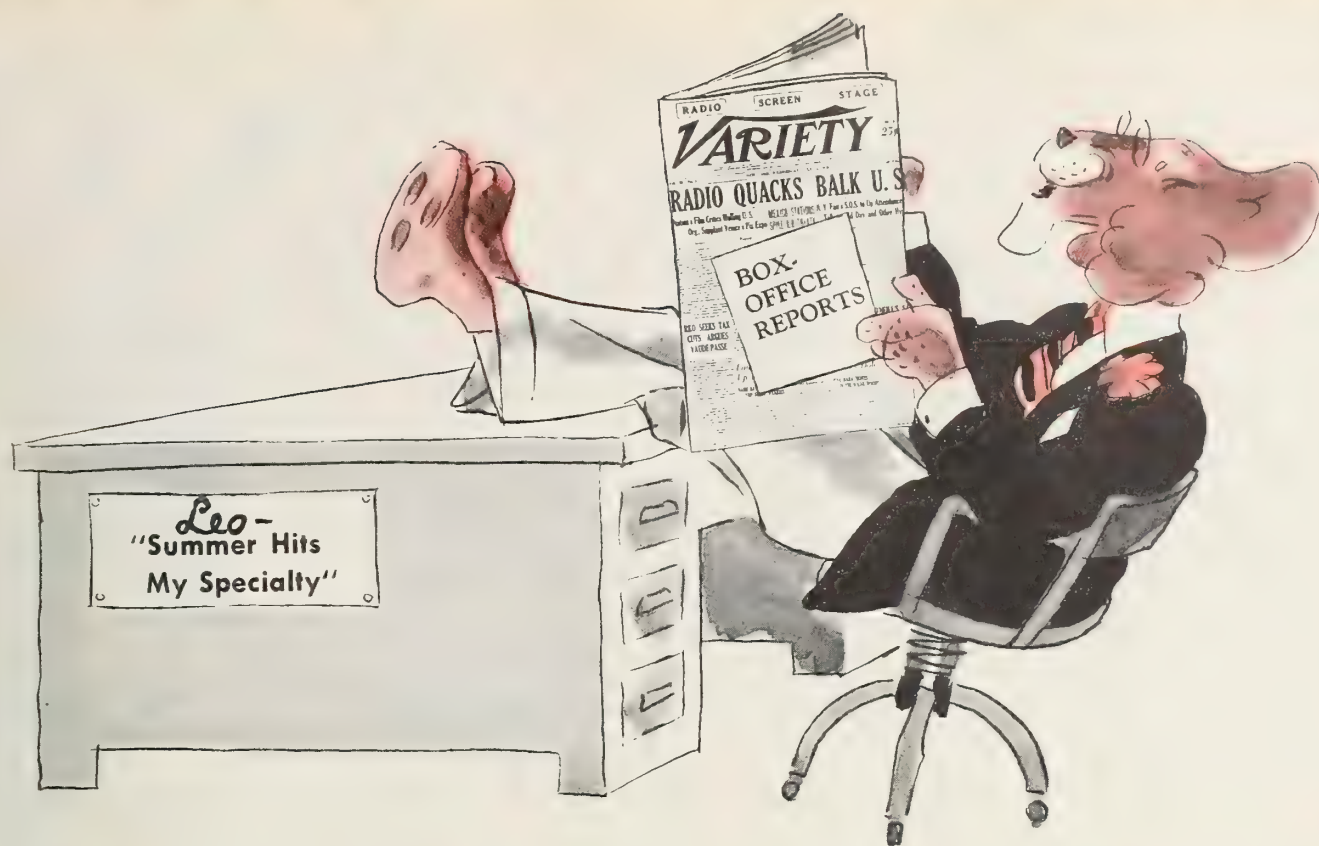
I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN

Air-Conditioned. and JACK WHITE

Vanderbilt, W. 48th St. Evs. 8:40

Mats. Wed. & Sat.



"IT'S ALL M-G-M!"

Let us consider a few items from the current (*hot-weather*) issue of Variety:

BALTIMORE—"General let-down here this week with only bright spot CHIPS at Century."

KANSAS CITY—"CHIPS top flight, one of best of the year. Last week MAISIE a pleasant surprise."

CHICAGO—"CHIPS holding to strong pace looks set for a stay at Apollo."

"HARDYS RIDE HIGH repeat flicker better than average take. Last week SOCIETY LAWYER came in with surprising gross."

PITTSBURGH—"Penn's leading the way with MAISIE reacting to slick campaign. CHIPS frisky, better than holding its own in 3rd week downtown, having moved to Warners. Only second picture in history to move here after playing 2 stanzas at Penn."

NEW YORK—"CHIPS powerful play at Astor. Huge profit being shown here. 9th Week."

"Capitol ON BORROWED TIME more action here."

PORTLAND—"ON BORROWED TIME good. Last week MAISIE nice."

SAN FRANCISCO—"ON BORROWED TIME will grab sizable gross. It's giving the best take in some time. MR. CHIPS sprinting toward excellent biz. Looks good for 6 weeks here. Last week equalled first week. Almost unheard of here."

LINCOLN, NEB.—"The town's sweltering. DR. KILDARE, O. K. Last week MAISIE good."

WASHINGTON, D. C.—"MR. CHIPS leading town, a socko, way out front with beauteous gross."

BOSTON—"CHIPS holdover very good and the town's standout. First week smasho." (*Holdover day and date at State and Orpheum*).

(over please)

(continuing Variety Box-Office Reports from preceding page)

LOS ANGELES—"Straight picture houses not faring well, except CHIPS now in 9th week."

TORONTO—"WONDERFUL WORLD excellent. Last week DR. KILDARE fine."

INDIANAPOLIS—"TARZAN sweet. Others off. Topping the town with socko gross."

MINNEAPOLIS—"CHIPS big, garnering the box-office laurels. Effective advertising campaign got fine opening."

LOUISVILLE—"MR. CHIPS is setting the b. o. pace. Last week MAISIE exceeded expectations, snaring good gross."

DENVER—"MR. CHIPS Big and holds. Last week MAISIE good."

PHILADELPHIA—"CHIPS stacking 'em up to lofty gross. Nifty second week."

DETROIT—"TARZAN looks tops!"

PROVIDENCE—"MR. CHIPS strongest in town."



*He's off again
on his annual
hot-weather
spree! Whee!*

TO THE RESCUE!

Those glowing M-G-M box-office reports reprinted above are just the beginning. Look what's ahead:

July 21st. **"ANDY HARDY GETS SPRING FEVER"**

Sensational opening at State and Chinese Theatres, Los Angeles, topping all previous Hardys and combined total reaching "Maytime" business! Lewis Stone, Mickey Rooney and all the folks! The Lucky Seventh Hardy Hit!

July 28th. National Release **"GOODBYE MR. CHIPS"**

The delight of the dog days! Keep extra time wide open!

Aug. 4th. **"MIRACLES FOR SALE"**

A sleeper! Watch for it! Summer showmanship special!

Aug. 11th. **ROBERT TAYLOR, HEDY LAMARR** in **"LADY OF THE TROPICS"** (need we say more!)

Aug. 18th. **"THESE GLAMOUR GIRLS"**

Lew Ayres and a screenful of beauties, including Lana Turner, Anita Louise and others in a sure-fire box-office show!

—and then on August 25 comes the biggest sensation since "Snow White":

"THE WIZARD OF OZ"

Watch for further announcements about M-G-M's Technicolor Wonder Show playing hundreds of day-and-date engagements simultaneous with giant ad campaign!



**"Summer! When a feller needs
a friend! There's always**

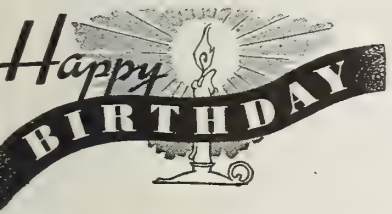
THE FRIENDLY COMPANY!"

WIS. CIRCUIT TAX PROPOSALS KILLED

(Continued from Page 1)
eliminating a proposal to divert \$7,500,000 from the highway fund to general state purposes to avoid new tax and tax boosts.
This action, it was reported last night, paves the way for a new tax measure to make up the deficit which may include a theater admission tax. Earlier in the session, a proposal for a three per cent. admission tax was withdrawn, following determined fight by pix interests.

Pacific National Theaters Receivership Asked in Del.

Wilmington, Del.—A bill asking appointment of a receiver for the dissolved Pacific National Theaters, Inc., which operated motion picture theaters in California, rather than appointment of the directors as trustees in dissolution was filed in the New Castle County Court of Chancery here by Margaret M. Stevens and W. Ernest Choats, stockholders, of San Diego, Cal.
The corporation was dissolved in April, 1937. Howard F. Duane represents the complainants.
Pacific National, the complainants assert, has since its dissolution been engaged in distributing to and among its shareholders one share of preferred stock of Preferred Theaters Corp. and five cents in cash for each share of stock of Pacific National Theaters, Inc.
The complainants assert they have not received such distributive shares or dividends which they claim have been paid on the Preferred Theaters stock. An action brought by the same complainants against these defendants is pending in the Los Angeles County Superior Court.



- Best wishes from THE FILM DAILY to the following on their birthdays:
- JULY 14
M. J. Siegel Charles Weinstein
Zita Johann Stuart Stewart
Olive Borden Lucian Prival
Dave Fleischer Hal Sloane
Louis F. Blumenthal Jay Henry
Lena Roth Frances Spitzer
John S. Twist
- JULY 15
Sam Schneider Raymond Hackett
- JULY 16
Barbara Stanwyck George Marion
Ginger Rogers Mary Philbin
Gus Harris

ALONG THE RAILROAD WITH PHIL M. DALY

● ● ● EXPLOITATION is picking up.....Paramount's Bob Gillham, ad chief, has seen the answer in the splendid results from the ballyhooing of "Union Pacific" in Omaha, and "Man About Town" in Waukegan.....so he is stepping out with some elaborate and novel stunts to make the nation Paramount-conscious on these Big Fellows coming along.....

● ● ● FOR "Beau Geste".....key city trade and press screenings, leading off with a press preview at the Carthay Circle in Losang, and 30 subsequent screenings in key spots handled by various members of the studio and home office publicity staffs....

● ● ● ELABORATE plans for Bob Burns' new film, "Our Leading Citizen," call for screenings for the Governors of the forty-eight states, and a lecture tour by Irvin Cobb, author of the story.....The Bing Crosby special, "The Star Maker," will be exploited by a Coast-to-Coast broadcast honoring Gus Edwards, the vet showman whose life story forms the background for the picture.....Edwards' former child proteges will handle the program, including Eddie Cantor, George Jessel, Walter Winchell, Helen and Grace Menken, the Duncan Sisters, Earl Carroll, the Lane Sisters, George Price, Mae Murray, Lila Lee, Groucho Marx, Eddie Buzzell.....

● ● ● THAT world premiere for "Geronimo" should prove a real novelty.....with the story based on the life of the famous Apache chief, the "back to the Indian" motif will take form in a premiere held in the town of Geronimo, Arizona, on the Apache Indian reservation some time in September.....The success of the trans-continental tour of the Union Pacific train has led Mister Gillham to go strong on Frank Lloyd's "Rulers of the Sea".....there will be two forty-foot boats for the picture, reproductions of the famous "Sirius" and "Dog Star" which staged a real trans-Atlantic sail versus steam race in 1838, and these replicas will be transported by truck and natural waterways to several big cities.....they will touch upon the Great Lakes, the Erie canal, Chesapeake Bay, the Ohio and Mississippi Rivers.....and that will be some ballyhoo.....

● ● ● OPENING of a new exhibition by the Museum of Costume Art at the International Building on Fifth Ave.....it will be Part II of its Cycle of American Dress.....presenting hoopskirts, bustles, gay nineties, and turn of the century costumes.....the fall fashions of 1939 will show the influences of these periods, and so will the Hollywood picture styles.....colorful and historical costumes from 1725 to 1845 are now on view in the present exhibition, which will close July 22.....the new exhibition opens Aug. 1.....

● ● ● BEFORE returning to Hollywood to appear in "Full Confession" for RKO Radio.....Sally Eilers heard about the fun we charter members of the Sidewalk Superintendents' Club are having.....and she promptly joined up.....just as they brought her along Sixth Avenue for the initiation at 48th Street, a guard waved a red flag and a moment later a terrific blast shook the neighborhood....."Gee whiz!" said Sally, "they never gave me a welcome like that in Hollywood".....

THEATER BUILDING UP; REMODELLING DROPS

(Continued from Page 1)
months of 1938, alterations were effectuated at a cost of \$12,086,000, while the corresponding period this year found investment total \$11,638,000.

Taking into consideration the entire amount of money spent for both new construction and alterations during 1939's first half, as against new construction plus alterations during the first half of 1938, the current year period is only \$167,000 behind a year ago.

Eberson declares that, with proposed new construction during the remainder of the year, as well as contemplated and scheduled alterations, 1939 may exceed 1938. Many houses in the 37 States East of the Rockies are in obvious need of alterations, he points out, and, further, alert exhibition interests are more conscious than ever of the economic benefits which will accrue from building of more numerous and more modern houses to take care of growing community needs.

RKO Radio May Erect New Chicago Exchange

Chicago—Plans are under consideration for the construction of a new film exchange building for RKO in this city. A. A. Shubert, director of exchange operations, was here recently in connection with the project.

Richard Gledhill Dies

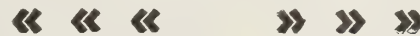
Funeral services will be held today or tomorrow for Richard Gledhill, upstate salesman for 20th Century-Fox, who died Wednesday of a heart attack. Gledhill was at the wheel of his car at Dobbs Ferry when he collapsed.
A veteran of 25 years in the film business, Gledhill had been with 20th-Fox for the last 12 years. Services will be held at the Stephen Merritt chapel, 104 W. 73rd St.

WEDDING BELLS

West Coast Bureau of THE FILM DAILY
Hollywood—Paula Stone, screen actress, daughter of the veteran film and stage actor, Fred Stone, plans to marry Duke Daly, orchestra leader on Sunday next, but declines to state where the ceremony will be performed. Daly arrived here from Boston by plane at mid-week.

Hardy, Ark.—Mrs. Margaret F. Harkey, owner and manager of the Ozark Amusement Co. here, and State Senator Gene Higginbotham, also of Hardy, were married recently.

Chicago—Frank Beres, booker for RKO Chicago offices, will be married next month to Miss Judy of Berwyn



A "Little" from Hollywood "Lots"

HOLLYWOOD

By RALPH WILK

Johnson Role for Tracy
"THE Man On America's Conscience," an original story written by Alvin Meyers and Lowell Brodaux, has been sold to M-G-M for Spencer Tracy. Both Meyers and Brodaux have been signed to work on the screenplay. It is the story of Andrew Johnson, President, who succeeded Lincoln and the only President to be impeached. Paul Kohner agented the deal.

Metro In Story Drive

In a drive for new screen material, M-G-M has purchased seven additional new stories during the last month. Story buys include "Twenty-Mule Team," an original by Owen Atkinson and Robert Dusaie, in which Wallace Beery is slated to star; "A Call on the President," a short story by Damon Runyon which appeared first in the Saturday Evening Post; "A Gentleman of Some Importance," by William C. White; "Bonanza," by Henry Rodakiewicz; "The Days Before Lent," by Hamilton Basso; "The Ghost Book," by Chandler Sprague, and "The Search for Youth" by Chandler Sprague.

Two Stories for Shorts

Metro also made two purchases for its short subject department:

Pix Upholding Democracy Will Get Award at Fair

West Coast Bureau of THE FILM DAILY

Hollywood—Feature film of the year, making the outstanding contribution to the ideal of the democracy, as selected by a convention of delegates from guilds, unions and industry associations, will be given an award at the San Francisco Fair. Attorney General Frank Murphy will present the award for the Motion Picture Democratic Committee. Elliott Nugent is Chairman of the Award Arrangements Committee. Sponsors include John Cromwell, Melvyn Douglas, Phillip Dunne, John Ford, Bryan Foy, John Garfield, Frances Goodrich, Raymond Griffith, Albert Hackett, Miriam Hopkins, William K. Howard, Nunnally Johnson, Garson Kanin, Major Philip Kieffer, Alfred Newman, J. Walter Ruben, Gail Sondergaard, Milton Sperling, Gloria Stuart, Franchot Tone, and Harry Tugend.

Misplaced "S"

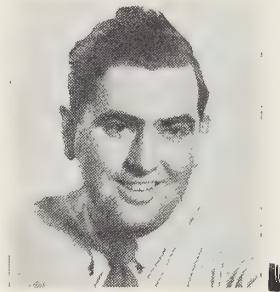
They had the "S" in the wrong place, Para. decided yesterday.

And so Frank Lloyd's pix heretofore dubbed "Ruler of the Seas" will be released as "Rulers of the Sea."

WHO'S WHO IN HOLLYWOOD

• • • Introducing Interesting Personalities: No. 210 • • •

SIDNEY SALKOW. Director at Republic. Was born in New York City and attended Columbia, where he won his Master's Degree, and City College of New York where he was given a degree of Bachelors of Arts. Was assistant director on "The Last Mile," "Subway Express" and "Harlem," Broadway productions, and also served as production assistant to Charles Frohman and A. L. Erlanger. He directed "Bloodstream," "Geraniums in My Window" and other Broadway plays. He came to Hollywood as assistant to Benjamin Glazer at Paramount. At Paramount, he co-directed "Lady Be Careful" and "Sailor Beware," and was also under contract as a writer for two years, and co-scenarized "Rhythm On the Range" starring Bing Crosby and "Exclusive." He directed several pictures at Universal, and is now directing at Republic where he guided such pictures as "Storm Over Bengal," "Woman Doctor," "Zero Hour" and "She Married a Cop." His greatest worry is how to grow a beard.



"Slot Machine Racket," an original unpublished story by Eric L. Ergenbright, and "The Life of Hugo Grotius" by Joseph Ansen.

"Air Scouts" Completes Series

Paul Malvern, producer of the 'Tailspin Tommy' series at Monogram, has announced "Air Scouts" as the fourth and last in the series for the 1938-39 program. "Air

Scouts," will go into production on or about Aug. 15. "Sky Patrol," the third 'Tailspin Tommy,' is scheduled to start Tuesday with Howard Bretherton directing.

"Fugitive Island" for Holt

Larry Darmour has purchased Eric Taylor's original story, "Fugitive Island," and has assigned him to do the screenplay for the pro-

duction which will star Jack Holt. Columbia will release.

Set Ginger Rogers Vehicles

Two Ginger Rogers' starring vehicles planned for RKO Radi8, pictures for 1939-40 will be "Primrose Path," Broadway stage play, and "Enchanted Cottage," stage play which also was made as a silent pix some years ago.

"Primrose Path," which was based on George Abbott's dramatization of Victoria Lincoln's novel "February Hill," will be the first of the new season's vehicles for Ginger, with Gregory LaCava assigned to both produce and direct.

Pandro S. Berman will personally supervise production for "Enchanted Cottage," by Sir Arthur Wing Pinero.

"Big House" Budget Up

Charles Bickford and Barton MacLane have been signed for leading roles in the Monogram picture "Murder in the Big House." Budget has been increased in order to make it the outstanding special on the current Monogram program. It also will be the final 1938-39 production.

Col. Buys Wetstein Story

Aleen Wetstein has sold her original story, "And So They Were Married," to Columbia.

Siegels Coming to N. Y. for Republic Confabs

(Continued from Page 1)

office for a series of meetings with circuit buyers in New England, but is scheduled to be back at his desk on Monday.

Also arriving in New York on Monday are Grover C. Parsons, Republic's Pacific Coast district manager, and J. T. Sheffield, of Seattle, franchise holder for Republic in the Northwest. Purpose of their current journey to the home office at this time is declared to be cooperation with Grainger in negotiating a product deal with Fox West Coast houses.

Concentration of so many Republic execs. in New York is linked with company business demanding attention prior to departure later this month of Yates who is going to England, ostensibly to see that every measure is taken to assure the success of Gene Autry's p.a. tour there. Additional motive for Yates' overseas jaunt is reported to be strengthening of Republic set-up for expansion on the Continent as well as England.

Gene Autry arrives in New York from Hollywood on Thursday. The star's two horses, "Champ" and "Pal," are being shipped to England today aboard the American Banker.

Ritter, Burnette, Keene Tour

West Coast Bureau of THE FILM DAILY

Hollywood — Martin Wagner, of William Morris Agency, has set Tex Ritter and his Musical Tornadoes for a ten-week tour through the south, opening in Memphis Saturday, and booked through to Atlantic City, where he opens Labor Day week. Wagner also set Smiley Burnette and his Rhythm Wranglers for a six week tour of one nighters through the middle west. Burnette opens in Indianapolis today. Tom Keene and his Dude Ranch Jamboree was set by Wagner and is completing the tenth of his 15-week tour through New England. Wagner is arranging to send out several well-known picture names for P.A.'s.

White Takes Over Two

Cincinnati—Maurice White, prexy of United Theaters, has taken over the Hippodrome and Strand theaters, Newport, Ky., from The Frankel Amusement Co. The new venture is listed as H & S Amusement Co.

Set Mori Case Hearing

Philadelphia — Hearing on Mori case pleas for injunctive relief will be held next Wednesday in Federal Court here before Judge William H. Kirkpatrick. This is the first step following initial filing of suit.

"Swanee River" Added to 20th-Fox Color Pix

West Coast Bureau of THE FILM DAILY

Hollywood — Twentieth-Fox has decided to dip still another in the dye vat. Chosen for Technicolor treatment is "Swanee River," the Stephen Foster-E. P. Christie biographical story in which Don Ameche will play Foster, Al Jolson, Christie, the minstrel king, and Nancy Kelly the femme lead, with Sidney Lanfield directing.

"Tumbleweeds" Sets Mark

Wheeling, W. Va. — "Tumbleweeds," distributed by Astor, broke all house records at the State here despite weather and heavy opposition, according to Manager W. J. Sharbaugh.

Two New Series

West Coast Bur., THE FILM DAILY

Hollywood—Para. will follow 20th-Fox in producing a new series for 1939-40. Latter recently announced dropping of the "Mr. Moto" series, with a "Cisco Kid" series starring Warner Baxter substituting. Now Para. announces it will continue the Aldrich Family in two pix to follow "What a Life." Clifford Goldsmith, author of the stage play, will carry on. Aldrich Family is also on the air for Jello this Summer.

Now starting on a
World-beating
rampage!

Seattle, Rochester,
Toronto, Syracuse
report pre-release
openings topping
20th's biggest since
"Jesse James"—and, in
New York, its 3RD tri-
umphant Roxy week!

SECOND FIDDLE

The show that
licked the
World's Fair!



THE KEYSTONE
OF YOUR FUTURE

★ REVIEWS OF THE NEW FILMS ★

"They Shall Have Music"

with Jascha Heifetz, Andrea Leeds, Joel McCrea

United Artists 105 Mins.

GRAND HUMAN STORY OF UNDER-PRIVILEGED KIDS WITH HEIFETZ AND HIS VIOLIN A MUSICAL TREAT.

This Samuel Goldwyn production has been cleverly geared to strike a wide audience appeal, and has succeeded admirably. First, there is Jascha Heifetz, the great violin virtuoso, who makes five appearances as he demonstrates in close-ups his marvelous technique in playing some of the most celebrated numbers in his repertoire. This great treat to music lovers is something for every exhibitor to shout about, for it will bring to his theater people who have never been there before. On the popular side, there is a grand down-to-earth story, cunningly loaded with the good old hoke, but done with class and dignity. The cast is exceptionally fine throughout. Andrea Leeds is the daughter of Walter Brennan, an old music master, who is devoting his life to helping underprivileged children on the East Side of New York to secure a musical education. In an old house he has leased, he teaches the youngsters with the help of a few assistants, with his daughter as business manager. Joel McCrea comes along to help Andrea when financial difficulties arise, and the proprietor of the music store who has rented the musical instruments is demanding pay or he will take them back. And this on the eve of a concert the professor's symphony orchestra is giving. Gene Reynolds, who has been seen in a couple of modest pictures, does a grand role as the youngster from a poor East side family who is turned from being a hoodlum by his inherent love of music. The old music master gives him a new outlook on life, and he is instrumental in bringing Jascha Heifetz into the life of the little community group of musicians through an interesting and entertaining series of events that culminates in the great musician playing at the children's concert, saving the music school from going on the rocks, and giving the production a bang-up heart-warming climax that will have your audiences laughing and crying by turns. Brennan is superb as the old music master. This Reynolds boy looms as one of the real comers among the youngsters, for he shows genuine feeling in his actions, voice and expressions. Director Archie Mayo has done splendidly in combining the artistry of Heifetz and the human interest appeal of the youngsters' musical efforts into a moving drama that is simple but highly dramatic in the emotional qualities it evokes. Selling angles: Heifetz to the musical groups; the human interest story to the regular trade; and the amazing work of the Junior Symphony Orchestra.

CAST: Jascha Heifetz, Andrea Leeds, Joel McCrea, Gene Reynolds, Walter Brennan, Porter Hall, Terry Kilburn, Walter Tetley, Chuck Stubbs, Tommy Kelly, Jacqueline Nash, Alfred Newman, Mary Ruth, John St. Polis, Alexander Schoenberg, Marjorie Main, Arthur Hohl, Paul Harvey, the Peter Meremblum California Junior Symphony Orchestra.

CREDITS: Producer, Samuel Goldwyn; Associate Producer, Robert Riskin; Director, Archie Mayo; Author, Irmgard von Cube;

"In Old Caliente"

with Roy Rogers, Mary Hart

Republic 57 Mins.

SOLIDLY ENTERTAINING WESTERN WHOSE STORY, ACTION AND SONGS CARRY HIGH APPEAL.

High entertainment rating is deserved by this dramatic and musical western which holds suspense, and consequently audience interest from beginning to end, due to intelligent direction by Joseph Kane, who is also associate producer of the opus; a well-paced script; convincing acting; and continuously skillful photography, which at times is unusually picturesque, embodying both well-chosen terrain and, for a prairie pix, the novelty of seascapes. Equipped as it is with so many solid elements, not the least of which is Roy Rogers' personality, hard riding, and ability to deliver songs of the sagebrush species with quality voice and pleasing poise, fans who like outdoor stories with plenty of action are bound to find this one to their taste. Mary Hart, known to pixgoers prior to last year by her initial screen name, Lynn Roberts, is easy on the eyes, a high asset to the cast, and is a convincing reason for the hero Roy riding away with her aboard a prairie schooner when all the shooting is over,—and of shooting there is a goodly share, plus fisticuffs, flying hooves et al. The yarn tells of the invasion of California by settlers from the East, whose advent is resented by the Spanish landowners. Roy Rogers is working for an elderly Don. Latter, whose daughter, played effectively by Katherine DeMille, is in love with Rogers, suspects the youth of having taken part in theft of gold derived from sale of the hacienda's cattle. A half-breed, interpreted by Jack La Rue, is eventually found to be the guilty one, and the informer of the bandits. But the apple of Rogers' eye, whom he wins at the finale, is Mary Hart who has come westward with her uncle, George "Gabby" Hayes, Rogers' side-kick. Katherine DeMille takes the jilting with uncommon sacrifice and resignation.

CAST: Roy Rogers, Mary Hart, George "Gabby" Hayes, Jack La Rue, Katherine DeMille, Frank Puglia, Harry Woods, Paul Marian, Ethel Wales, Merrill McCormick.

Associate Producer and Director, Joseph Kane; Original Screenplay, Norman Houston, Gerald Geraghty; Production Manager, Al Wilson; Cameraman, William Nobles; Editor, Edward Mann; Musical Director, Cy Feuer.

DIRECTION, Tip-Top. PHOTOGRAPHY, Skillful.

Report Major Demurring to Play-Financing Pact

(Continued from Page 1)

one major company is said to be dissatisfied with two of the proposed provisions. Portions under fire are those calling for a down payment of \$15,000 on the screen rights and for the payment of additional monies based on weekly grosses of the legit run, ranging from 10 per cent on the first \$5,000 to 20 per cent on \$10,000 or more.

Screenplay, John Howard Lawson; Cameraman, Gregg Toland; Editor, Sherman Todd.

DIRECTION, Excellent. PHOTOGRAPHY, Fine.

★ SHORTS ★

"Africa, Land of Conquest" (The World Traveler)

Paul Devlin 9 mins.

Dramatic

In and around Marrakech, in French Morocco, a very modern and bustling city ruled by the French. The native custom of cleansing themselves at a garden well before entering the Great Mosque, where the matchless and priceless mosaics, and the wood and plaster carvings form an art treasure unequalled anywhere. The bread-sellers in the market places, and the cattle on the hillside, and many other sights showing the people living as their forefathers lived centuries ago. Then comes the dramatic contrast with the modern note of conflict heard throughout the French possession. The natives stage a demonstration of loyalty to France, as high-ranking native and French officers watch. Military maneuvers take place under wartime conditions during a torrential downpour of rain. The famous Spahis are seen on parade, rated among the finest mounted soldiers and fiercest fighters in all the world. A grand body of men riding recklessly. The French troops also are seen in maneuvers, the Foreign Legion, backbone of France's colonial fighters. Here France is seen alert and ready, awaiting another war that will plunge this land of conquest into the midst of world events. Major Paul Devlin presents a stirring narration that makes this subject very timely and topical.

"Ghosts Is the Bunk"

(Popeye)

Paramount 7 mins.

Spooky

Bluto has some fun with Popeye and Olive, decoying them to a deserted spooky hotel, and then playing the part of the ghost to scare the wits out of them. But the two victims discover who the ghost really is. They turn the tables neatly, and have Bluto so scared that he is glad to escape from the "haunted" premises. A Max Fleischer cartoon.

Report Judell Organizes Producers Distributing Co.

Chicago—It is reported that Ben N. Judell has organized Producers Distributing Co., to handle national distribution of the product of his Producers Pictures Co.

Abe Fisher, it is reported, will manage the Chicago branch.

Mentone Dissolved

Albany — Papers of dissolution have been filed by Universal Pictures Co., Inc., Rockefeller Center, New York, for Mentone Productions, Inc. with the office of the Secretary of State.

JOHN HERTZ ACQUIRES PARA. COMMON STOCK

(Continued from Page 1)

sents Hertz's total common holdings although he reported 100 shares of common through Lehman Brothers.

Report of Universal Corp. states Nathan J. Blumberg has acquired 200 common voting trust certificates representing his total certificate holdings. Daniel M. Sheaffer reported acquisition of 500 certificates bringing his total to 17,500, in addition to 26,500 he holds through Standard Capital Co. He reported holding none of the common voting trust certificate warrants directly but listed 111,283 through Standard Capital.

Pathe Film Corp. report lists Alan P. Kirby as holding 2,100 shares of common through Holding Company A, 900 shares through Holding Company B and 600 shares in a trust.

Aquila Giles holds 200 shares of Trans Lux Corp. common stock, it was reported.

New York Allied Will Press Membership Drive

(Continued from Page 1)

and the deadline in order to save prospective members the initiation fee.

The New York unit will hold no meetings during the month of July, the slated session in Binghamton on July 21 having been cancelled. Upstate meetings will be resumed in mid-August, when sessions will start alternating between Syracuse and Binghamton.

E. Thorton Kelly, executive secretary, plans to leave on a month's tour of the state on July 24 in the interest of new members and to hold confabs with regional leaders.

N. E. Indies to Hear Playback of Minneapolis Code Talks

Boston—Recorded speeches of Al Steffes, William F. Rodgers, Nathan Yamins, Col. Harry A. Cole, Gradwell Sears, Abe Montague and other spokesmen at the recent Allied Minneapolis convention will be played back over a public address system, late this month, so that indie exhibitors not at Minneapolis will have an opportunity to decide for themselves the merits of the Trade Practice Code. Meeting will be sponsored by the Independent Exhibitors, with Arthur K. Howard, executive secretary, in charge of arrangements.

All independent theater operators in New England are to be invited to the conclave, which has been penciled in for July 25 at the Hotel Statler. There is a possibility that the meeting may be put off until August 1.

Billboard Drops Yearbook

The Billboard is suspending publication of its Yearbook, formerly the Index of the New York Legitimate Stage.

WB Selling Up 12% in Midwest; Metro Gains in Mich.

Upswing Reported in Frisco; Cleveland, New Haven Deals Are Slow

(Continued from Page 1)

ness, and Van Nomikos, circuit operator and vice-president of Illinois A. are among those opposing percentage deals offered. Yet marked growth in percentage selling in this territory is indicated.

Warners, it is stated, will have at least eight percentage films, a new move for WB here. Henry Herbel, district manager, reports a 12 per cent sales gain in the Minneapolis - Milwaukee - Indianapolis territories, following a recent swing through the central keys.

Two of the leading films will be sold on a 40 per cent basis and the balance of the percentage films will go out on a 35 per cent basis. The remainder of the new season product will be on a flat rental basis, according to Herbel.

Branch checkup brought the following comments on selling:

20th-Fox (Clyde Eckhardt): "Very satisfactory"; Universal (Manny Gottlieb): "Good"; Paramount (James Donahue): "Good"; Columbia (Moreau Delano): "Showing an increase"; Metro: "Good"; UA: "Good results"; Monogram: "Good"; Republic: "Good."

Metro Sales Said 20% Ahead in the Michigan Territory

Detroit—Reports on new season selling in this territory differ sharply.

While exhibs. contacted by THE FILM DAILY generally indicated they have been reluctant to close deals, major exchanges were highly optimistic and enthusiastic over showings to date.

Frank J. Downey, Metro branch manager, declared the exchange was 20 per cent ahead of last year. All major exchanges at the present time are pushing selling among up-state indies, with circuit deal negotiations also under way. It will be August, however, before majority of the latter are cleaned up.

At Butterfield Circuit offices, center of the largest single booking order in the territory, informal conferences between circuit executives and the branch managers and other distributor representatives have been under way, but to date these have only paved the way for new contracts. Most exchanges have not prepared the work sheets for their schedules for the big organizations yet, and final closing of the contracts will, as usual, be made in most cases with aid of New York execs. who

"Pygmalion" Voted Best British Picture of the Year in Film Weekly's Poll

London (By Cable)—"Pygmalion" was voted the best British production released in 1938 in the poll conducted by the Film Weekly. The other nine best were, in the order named: "Sixty Glorious Years" (Queen of Destiny), "South Riding," "The Lady Vanishes," "A Yank at Oxford," "The Drum," "Bank Holiday," "Housemaster," "The Edge of the World" and "This Man is News." Ralph Richardson won the palm for the best male performance for his acting in "South Riding" with Leslie Howard second for his role in "Pygmalion." Wendy Hiller won first place in actresses performances for her characterization in "Pygmalion" and Anne Neagle second place for her acting of Queen Victoria in "Sixty Glorious Years."

usually come in here to close these deals.

Actual work on new contracts is not expected to start till September at United Detroit Theaters' offices, while the Cohen Brothers Circuit will not take up the subject for another month at least, Lou Cohen said.

Indie exchanges here are more or less marking time, permitting the majors to have the right of way. Indies' drive will start in September.

Frisco Branch Managers Report Upswing in Sales

San Francisco—Exchange managers here all report a definite upswing is indicated in new season selling.

L. E. Tillman, Columbia manager, says that he looks for a definite pickup in late July and August, with Fall bookings moving way ahead of last year.

Paramount's manager H. Neal East is all hopped up over the way sales are coming in. "I think I'd be safe in saying that our sales are up about 30 per cent. We feel that we are in for a good year," he told THE FILM DAILY.

G. M. Ballentine of 20th Century-Fox was equally as optimistic and said new season selling would go 25 per cent ahead of last year. "While business now is just about the same as last year," he stated. "But this is just the usual summer condition that we all expect, and everyone seems to feel that starting this Fall business is going to be exceptionally good."

Republic and Universal offices expressed similar opinions, and feel that the industry is definitely on the upturn, and headed for good times again.

Selling Season in Slow Start in New Haven Area

New Haven—Exhibitors and exchange men are generally agreed that the selling season is slow in getting under way this summer, though there is a difference of opinion as to the explanation.

Dr. J. B. Fishman, of Fishman Theaters, for many years active in exhibitor organizations, points to "unreasonable demands of distributors, in spite of definite and considerable falling off of business at the box-office." Harry Lavietes, Pequot operator, one of the oldest indies in the district, says it is "impossible for exhibitors to buy

at this time and at the prices asked for film, with business off at least 30 per cent." Many exhibs. labelled these past few months worse than any previous depression. Connecticut indies at a recent mass meeting called for relief from the distributors.

Although one or two of the exchanges claim that in number of contracts signed they compare favorably with last year, generally exchangers intimate things are not what they should be. Many concede that the drop at the box-office will inevitably make it a difficult and late selling season. Others believe that the unusually early convention dates this year and the longer time between selling and availability are causing the exhibitor to delay.

Indianapolis Reports New Season Selling Satisfactory

Indianapolis—New season selling is reported very satisfactory in this territory according to exchange managers. Wade Willman, M-G-M branch manager reports new product moving very good. Other exchange heads canvassed by THE FILM DAILY made these statements:

G. R. Frank, United Artists, "Selling of new product very good."

George T. Landis, 20th Century-Fox, "New season selling progressing nicely."

G. C. Craddock, Universal, "Sales of new product are better than last year because of good delivery last year and the fine outlook for the coming season."

W. Guy Craig, Columbia, "Our product is moving and selling excellently, and exhibitors seem eager for next year's product."

Fred Greenberg, Warners, "New product sales are ahead of last year for the same period. In view of excellent delivery of current season, sales have exceeded last year by about 25 per cent so far."

J. H. Stevens, Paramount, "Sales of the new season product are good."

Roy Churchill, RKO-Radio Pictures, "Prospects for the new selling season are good."

Selling in Corn Area Awaits Sizing Up of Crop Prospects

Kansas City, Mo. — Exchange heads report film buying progressing about as usual. It is significant, however, that the trend during recent years has been to July and August buying, with few of the rural exhibs. agreeing to product com-

Mid-East Section Gives New Season Product Good Support

mitments until the wheat crop is in and they have had an opportunity to size up the all-important corn crop.

Few Contracts Negotiated in Cleveland Territory

Cleveland—Local exchanges have negotiated few 1939-40 film contracts in this territory. M-G-M reports that the major independent circuits last year contracted for a two-year period.

Universal locally closed a deal with J. R. Osborne and George Otte for the entire Dipson circuit, which includes its Ohio, Pennsylvania and West Virginia houses. I. J. Schmertz, 20th-Fox branch manager, reports his office has closed a 1939-40 deal with W. N. Skirball for all of his houses.

New Season Product Gets Good Support in Mid-East

Cincinnati—New season product is receiving excellent support from exhibitors in the Mid-East territory.

Allan Moritz, Columbia exchange manager, advises, "We are far ahead of last year in contracts sold and situations closed. Every circuit in the territory has been closed."

Equally enthusiastic is 20th-Fox's J. J. Brady, who states, "We are ahead of all previous years." Statement is echoed by Joe Oulahan, Para's manager.

UA's Harris Dudelson reports excellent reaction to the new lineup: "Deals are coming in nicely," he says.

E. M. Booth, M-G-M manager, comments, "We are well satisfied with the deals being closed."

Warners' Ralph Kinsler states 1939-40 deals running materially ahead. Max Margolis of Republic and Monogram's Bill Onie also stated sales better than average were proving exhibitor confidence.

Form Telenews Corp. in Chi.

Chicago—The Telenews Corp. has been organized by R. P. Florsheim, Frank Greenberg and L. Wolfson to manage and operate newsreel theaters. The Chicago offices are at 1 N. LaSalle.

Franchise to Excellent

Detroit — Excellent Pictures is taking over the Michigan franchise for Producers Pictures Corp., branch manager William Flemion, disclosed.

Bingo Rush On

New Haven—Organizations all over the state are circulating petitions necessary to secure the local permission of Boards of Aldermen to run Bingo. Few will have completed the requirements before August.

Where Is Who?

Info. department of this paper has received a card with the following text, "Dear Sir, If you have year book where is who and whitking film produced in Europe and addresses of the film producer in Europe. What is the price. Yours, ———." We give up.

F & M SUES LAWYERS, ASKS FEE'S RETURN

(Continued from Page 1)

Hecker, seek to recover \$42,200 alleged to have been paid as a legal fee. Plaintiffs also ask the court to enjoin the three defendants from selling or transferring a series of notes totaling \$42,800, and to order their return.

Petition alleges that the Fanchon & Marco firms agreed to pay an additional fee of \$25,000 to James P. Aylward, Kansas City attorney and Democratic Party leader in Missouri, after they were told that a Missouri anti-trust action against them could not be dismissed until Aylward's fee for legal services had been paid.

Fanchon & Marco, Inc., the petition says, retained Leahy, as counsel in 1934 when negotiations were under way for the leases and operation of the Ambassador, Grand Central and Missouri theaters. To effect this, Leahy organized two St. Louis corporations, the St. Louis Ambassador Theater, Inc., and the St. Louis Missouri Theater, Inc., with a total authorized capital of \$105,000, it is stated.

These companies operated at a loss due to the refusal of the majors to rent films to the Fanchon & Marco interests, the petition continues. Allen L. Snyder, one of those who entered the agreement with F & M, and who had advanced \$25,000, declined to make further advances and requested the return of the money he had already advanced, the petition continued. On advice of Leahy, it is alleged Snyder's stock was purchased for \$25,000.

Later, the petition avers, Leahy advised F & M a complaint should be made to the Attorney General of Missouri with a request anti-trust proceedings be instituted against the majors for their refusal to furnish films to the three houses. Leahy, the petition also states, advised that Aylward be retained. Acting on this advice the plaintiffs stated they employed Aylward and paid him a \$5,000 retainer.

It is then alleged that while conferences looking toward court action were in progress, F & M entered into direct negotiations with the majors which promised to settle the difficulties. At this point the F & M interests allege they directed Leahy to stop the filing of any anti-trust suits in Missouri, as such action

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the seventeenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 17

(2) **Personnel of Permanent Arbitration Board:** In each Exchange territory, there will be organized a Permanent Arbitration Board composed of three arbitrators:

- (a) One from the panel appointed by distributors and affiliated exhibitors.
- (b) One from the panel appointed by the organized exhibitor groups.
- (c) One from the panel of neutral arbitrators.

Rotation of Arbitrators: All arbitrators, except those from the neutral panel, shall serve in rotation.

Length of Service: The members of each panel shall determine the length of time which each of its members shall serve. It shall also determine the order in which they shall rotate.

Selection of Neutral Arbitrators: The neutral arbitrator shall be designated by the other two arbitrators. If they are unable to agree upon the neutral arbitrator, he shall be chosen by lot from the panel of neutral arbitrators.

Chairman of the Board: The neutral arbitrator shall be Chairman of the Permanent Arbitration Board. He shall serve during the term of office of the two arbitrators designating him.

(3) **Secretary:** All distributors, affiliated exhibitors and organized exhibitor groups which have the right to participate in the appointment of the panel of neutral arbitrators shall, by unanimous action, appoint the Secretary of the Permanent Arbitration Board for such Exchange territory. The Secretary shall also act as Secretary for Special Arbitration Boards (analyzed below).

(4) **Office:** Each Permanent Arbitration Board shall maintain an office and have available adequate quarters for the hearing of arbitrations.
(Eighteenth installment will appear in an early issue.)

Neely Bill Goes Before Senate at Noon Today

(Continued from Page 1)

cial Security measure amendments. Senate Majority Leader Barkley told THE FILM DAILY last night, "I imagine we can complete the session on the block-booking measure in the Senate tomorrow unless there is more debate on it than now seem probable."

Senator Neely is expected to make the leading speech for the bill and Senator White for the opposition.

Wobber, Gehring, Talley at Eckhardt's Dinner

(Continued from Page 1)

formal opening of the company's new exchange there and to attend the testimonial dinner for Clyde Eckhardt at the Congress Hotel. Reception at the exchange is set for 1-5 p.m.

would make further negotiations difficult.

The petition then charges that Leahy failed to stop such action that the anti-trust suits were filed, and that he then advised the settlement of the \$25,000 fee for Aylward, after which the suits were dismissed.

The \$42,200 Fanchon & Marco are seeking to recover is alleged to be the amount they paid on a \$75,000 fee for Leahy and his associates for their legal services. The series of notes were to cover the balance of this fee.

Aussie Exhibs. Combat Music By License-Free Records

Sydney (By Cable) — Australian exhibitors, in their fight against music fees charged by the Performing Rights Society, are using license-free records which are being manufactured by the Australian Record Co. for use in theaters. Records are sold outright to theaters for approximately \$1, subject to a 25 per cent discount and stamped with the official seal of the MPEA of N. S. W.

The British CEA some years back unsuccessfully tried a similar project in Great Britain.

Australian Radio in Fight On Performing Rights Ass'n

Sydney (By Cable)—Fees charged by the Australian Performing Rights Ass'n for copyright music has resulted in an open fight between the Australian Broadcasting Commission (Australian equivalent of the British BBC) and APRA. The ABC, which controls 25 of Australia's 125 radio stations, has refused to renew its contract with APRA until a more equitable basis of rates is arrived at.

The APRA rate of one shilling and one pence, the world's highest, is called extortionate by the ABC and out of all proportion compared to other countries.

Australian exhibs., who have been fighting APRA fees for years, are awaiting the outcome of radio's fight against APRA.

GRAND NATIONAL WILL SEEK AGE PRODUCERS

(Continued from Page 1)

be enough proxies on hand at today's meeting to ratify both the RFO loan and the Felt & Co. deal. The combined deals are expected to add more than \$1,000,000 to the GN treasury.

It is reported that a number of top-flight producers may be brought into the GN fold when financial details are completed.

Defense Substitution Sought in Ohio Pix Rental Tax Cases

(Continued from Page 1)

assertion, exclusively reported in THE FILM DAILY yesterday, "if there is to be a defense, it must originate with the industry, because I am of the opinion the tax should be collected."

Carlton S. Dargusch, ITO of Ohio counsel, and Robert Barton, counsel for the MPPDA, told THE FILM DAILY they will petition the Court of Appeals tomorrow for permission to name "interested parties" as defendants, thus continuing the current action.

Dargusch will use Frank J. Ferguson, operator of the Avondale Theater here, but as yet Barton has not decided which of the MPPDA distributor affiliates will be named in this highly important test case.

Para. Central American Biz Running 15% Ahead

(Continued from Page 1)

mates that the percentage will be higher before the end of the year.

Gordon said that American companies, in general, are experiencing an increase in business in the territory, which includes all of Central America, Venezuela, West Indies and Panama, where, he said, American pictures continue to hold the spotlight of popularity.

Edwin Carewe Rallies

West Coast Bureau of THE FILM DAILY

Hollywood—Reported by physicians as "much improved," Edwin Carewe, veteran film director who collapsed of a heart attack on July 5, has been permitted to leave a local hospital for his home.

Gulf States' Alibis

New Orleans—Let not originality and imagination be despised, no matter in what cause they be used. Here are the latest alibis for weak box-office in the Gulf States:

1. Forty hour week. (Too many customers taking week-ends.)
2. Public beaches. (They'd rather swim and romance than watch romance.)
3. Hot weather before rain. Rain. Cool weather after the rain.
4. The Golden Gate Exposition and the World of Tomorrow Fair.

P.S.—Also Films

Laconia, N. H. — Colonial Theater, 1,230-seater, currently offers:

Tickets on electric refrigerator and electric range to be given away by a local dealer.

Auction on stage, in which professional auctioneer will put antiques, furniture, dishes, etc., on block for patrons.

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P.S.—Oh, yes, house also plays films.

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Box-office closed for 20 minutes as lines stretched almost to Fifth Avenue.

Music Hall played to more money than the combined gross of four other first-run theatres.

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VOL. 76, NO. 10

NEW YORK, MONDAY, JULY 17, 1939

TEN CENTS

Industry Spent \$895,556 Plugging "Greatest Year" SENATE TO VOTE ON NEELY MEASURE THIS AFTERNOON Loew's Reports \$8,173,000 Net Earnings for 40 Weeks

\$1,620,000 Reserve for Contingencies Represents \$500,000 Boost

Loew's, Inc., reports that the company's earnings, including its share of profits of affiliated companies, after deduction of preferred dividends of subsidiaries, were \$14,271,675 for the 40 weeks ended June 8 last, as against \$14,027,877 for the comparable period in 1938.

After depreciation and taxes and, likewise, after setting up a reserve of \$1,620,000 for contingencies, the

(Continued on Page 4)

RULES IATSE CANNOT REVOKE 37 CHARTER

West Coast Bureau of THE FILM DAILY
Los Angeles—In the case of Joe Carpenter of Local 37 against the IATSE, Superior Court Judge Willis ruled that the action of International President George E. Browne in revoking charter of Local 37 was illegal, partly because it violated injunction in Superior Court granted

(Continued on Page 13)

9 Features Starting; 39 Currently in Work

By RALPH WILK

West Coast Bureau of THE FILM DAILY
Hollywood—Nine new productions are scheduled for this week (July 17). At Paramount, "Diamonds Are Dangerous," with Isa Miranda and George Brent, supported by John

(Continued on Page 12)

Para. Shooting Last Pix for 1939-40 First Quart.

West Coast Bureau of THE FILM DAILY
Hollywood—Not only has Para. completed all pix remaining on its 1938-39 schedule, but it has finished all save one for the first quarter of the 1939-40 season, it was announced at the week-end by William LeBaron, managing director of pro-

(Continued on Page 13)

THE WEEK IN REVIEW

Industry's Golden Jubilee

By GEORGE H. MORRIS

DOMESTIC

GOLDEN JUBILEE: In wake of publicity-ad directors' meeting on Tuesday at MPPDA, decision was reached to appropriately commemorate filmland's 50th Anniversary via promotional celebrations during week of Oct. 1-7, with all wings of industry participating. October 6 was selected as climax day since on that date in 1889 Kinetoscope was demonstrated by Dickson to his chief,

(Continued from Page 11)

Ascap Files Supplemental Bill Under New Fla. Law

Tallahassee—Ascap has filed in the current Florida action a supplemental bill and motion under the new State statute as a preliminary to the expected hearings before a Statutory Court which will set in October for determination of Ascap's future status in the State, it was learned on Friday.

Judges Foster, Strong and Long will probably comprise the tribunal. Locale of the hearings has not yet been determined, but they will be in

(Continued on Page 8)

Amendments to Bill Offered and Adopted at Debate; Senator White Attacks Measure as Another Step Towards State Socialism

Washington—The Neely Bill, which was debated in the Senate Friday afternoon, will come up for a vote this afternoon. This was assured following the calling of a recess late Friday when it was announced that the debate on the issue would be resumed today.

BALTIMORE THEATER SUING SIX MAJORS

Baltimore—Charging restraint of trade and violation of Section 1 of the Sherman Anti-Trust Act, the Westway Theater, Inc., has filed a suit in Federal Court here against six major companies, four individuals and one theater company. The

(Continued on Page 8)

Fox Met., Durkee, Rome Circuit Deals Set by UA

United Artists 1939-40 product deals with Fox Metropolitan Theaters, the Durkee and Rome Circuits of Baltimore were announced over the week-end by Harry Gold, UA vice-president.

The Fox Metropolitan deal was ne-

(Continued on Page 8)

Industry Drive Still Has \$92,567 On Hand; \$988,143 Was Contributed

Northern Ohio Indies Okay Allied's Rejection of Code

Cleveland—Rejection of the Trade Practice Code by Allied's Negotiating committee and National Allied at Minneapolis was unanimously approved by resolution at a meeting of Northern Ohio independent exhibitors held here Friday.

The Motion Pictures' Greatest Year campaign represented an expenditure of \$895,556.05, including the excess of accessory disbursements over receipts, according to the financial statement submitted to the general committee by Lybrand, Ross Bros. & Montgomery, certified public accountants. The drive corporation still has on hand in the Chem-

(Continued on Page 4)

Immediately before adjourning, Sen. Matthew Neely, D., W. Va., sponsor of the measure, offered his amendments which were adopted. They provide for the revision of Sections 3 and 4, relating to "aggregate price" and a change in the synopsis provisions as recommended by Abram F. Myers, Allied general counsel, at the subcommittee hearings. Neely

(Continued from Page 11)

STOCKHOLDERS OKAY GN FINANCING PLANS

Approval Friday by Educational stockholders of the proposed RFC loan and the plan of Felt & Co. to arrange a financing deal for Grand National virtually assured GN of going forward as a producing-distributing organization and of re-establish-

(Continued on Page 13)

AFA Plans Court Fight As AAAA Sets Up Rival

Restraining action will be sought today to prevent the newly-formed American Guild of Variety Artists from interfering with the normal processes of the American Federation of Actors, it was declared on the

(Continued on Page 11)

British Exhibs. Fear Home Tele May Cut Draw 25%

Bristol, Eng. (By Cable)—Fears that home television sets might cut attendance at motion picture theaters by 25 per cent was expressed

(Continued on Page 13)

THE **Film** DAILY ALL THE NEWS ALL THE TIME

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)
NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)				
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	103 1/2	101 1/4	103 1/2	— 1/8
East. Kodak	167	166 1/2	166 1/2	
do pfd.	174	174	174	
Gen. Th. Eq.	11 1/4	11 1/4	11 1/4	
Loew's, Inc.	43 3/8	43 1/2	43 3/8	— 1/8
do pfd.				
Paramount	91 1/2	91 1/8	91 1/2	— 3/8
Paramount 1st pfd.	93	93	93	— 7/8
Paramount 2nd pfd.	105 1/2	105 1/2	105 1/2	
Pathe Film	97 1/2	93 1/4	93 1/4	— 1/8
RKO	13 1/4	13 1/4	13 1/4	
20th Century-Fox	20 1/2	20	20	— 7/8
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	5	4 3/4	4 7/8	— 1/4
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46.				
Loew's deb. 3 1/2s46.	103	103	103	— 3/8
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	89	89	89	
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	90 1/8	90	90	— 1/2

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.				
Technicolor	15 1/2	15 1/4	15 1/2	— 1/2
Trans-Lux				
Universal Corp. vtc.	3 1/2	3 1/2	3 1/2	— 1/4
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 6s 1st '47		
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The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—10th week	Astor
Man About Town (Paramount Pictures)—3rd week	Paramount
Second Fiddle (20th Century-Fox)—3rd week	Roxy
On Borrowed Time (Metro-Goldwyn-Mayer)—2nd week	Capitol
The Man in the Iron Mask (United Artists-Small)	Music Hall
Indianapolis Speedway (Warner Bros. Pictures)	Strand
Bulldog Drummond's Bride (Paramount Pictures)	Criterion
The Saint in London (RKO Radio Pictures)	Rialto
Waterfront (Warner Bros. Pictures)	Globe
Should a Girl Marry (Monogram Pictures)	Central
The Mikado (Universal Pictures-G & S Prods.) (a-b)	Palace
News is Made at Night (20th Century-Fox) (a)	Palace

FOREIGN LANGUAGE FEATURES

Lenin in 1918 (Amkino)—4th week	Cameo
Orage (Merit Pictures)	World

FUTURE OPENINGS

Andy Hardy Gets Spring Fever (Metro-Goldwyn-Mayer)—July 18	Capitol
The Magnificent Fraud (Paramount Pictures)—July 19	Paramount
This Man is News (Paramount Pictures)—July 20	Criterion
Each Dawn I Die (Warner Bros. Pictures)—July 21	Strand
They Shall Have Music (United Artists-Goldwyn)—July 27	Rivoli
Winter Carnival (United Artists-Wanger) (c)	Music Hall
Frontier Marshal (20th Century-Fox) (c)	Roxy
Renegade Trail (Paramount Pictures) (c)	Globe
Daughters Courageous (Warner Bros. Pictures)—July 19 (a-b)	Palace
Mr. Moto Takes a Vacation (20th Century-Fox)—July 19 (a)	Palace
Generals Without Buttons (Mayer & Burstin)—July 18 (b)	World

(a) Dual bill. (b) Subsequent run. (c) Follows current bill.

Brit. Bank Night Prosecution Based on Traffic Obstruction

London (By Cable)—First British film theater to be prosecuted for running Bank Night is the Regal Theater in Kettering, South London, whose manager was served with a summons by the Borough Council on a charge of obstructing street traffic, crowds having gathered outside the theater on nights when Bank Night was played.

Manager of the theater stated that he had discontinued Bank Night three weeks before receiving the summons, but that doesn't quash the traffic obstruction charge.

All Theaters in Dover, O., Now Owned by Fieber & Shea

Deal has been concluded by terms of which Fieber & Shea Circuit takes over the State and Nugent Theaters in Dover, O. The acquisition, plus the Bexley located there, give F & S all houses in that town, it was announced on Friday by E. C. Grainger, circuit's general manager.

Grainger leaves New York today for a two-week business trip to circuit's houses in Ohio, New York and Pennsylvania.

Warners Sign Raft

West Coast Bureau of THE FILM DAILY

Hollywood—Warners have signed George Raft to a long term contract and his next picture will be "The Patent Leather Kid." He sails July 22 on the Normandie for a European vacation.

Curran Joins 20th-Fox

Charles Curran, formerly with Donahue and Coe Advertising Agency and Warner Bros. advertising department, arrived from the Coast today to take a position on the home office staff of the 20th-Fox ad department.

Fannie Brice Files Suit Demanding \$750,000 Balm

Chicago—Suit was filed here Friday by Fannie Brice, screen and radio comedienne, seeking \$750,000 damages from 20th-Fox, Tyrone Power, Al Jolson, Alice Faye, eight theater companies and officials of the film company.

Plaintiff charged that the picture "Rose of Washington Square" defamed her character, invaded her private rights, and libeled her via dialogue and scenes. Story, she alleges, is her life story and was used without her permission.

She seeks also an injunction restraining further showings of the pix.

20th-Fox Takes Option on 3 More Cobian Films

Twentieth Century-Fox has taken an option on three more Spanish language pictures to be made by Cobian Productions. Deal was signed last week between Ramos Cobian and 20th-Fox. Cobian, who also is a large circuit operator in Puerto Rico, recently completed his first Spanish picture for 20th-Fox under the title of "Los Hijos Mandan." He also made one picture for Paramount release.

Vanderbilt to NBC

NBC will take over on July 24, on a 13-week lease with renewal option, the Vanderbilt Theater, 148 West 48th St., and install the Fred Waring program.

Harrisburg Allied Parley

Harrisburg, Pa.—Allied Independent Theater Owners of Eastern Pennsylvania will meet tomorrow at the Penn Harris Hotel.

COMING AND GOING

JOHN JONES, vice-prexy of Jones, Linick & Schaefer circuit, and his wife are motoring from Chicago to the Coast for his Summer vacation.

JULES CURLEY, Warner advertising manager in Albany, and his wife are vacationing for two weeks at Cape Cod.

MISS BETH MORGENSTERN, office manager for Allied Theaters, Chicago, is leaving for Colorado and other points West on a two weeks' vacation.

STANLEY HAND, Altec staff rep, has returned to New York following an extensive trip through the Middle- and South-West.

DAVID BURNS, American screen comedian well-known in England but comparatively unknown here, is in New York for a home town visit.

DR. HERBERT GRAF, stage director for the Metropolitan Opera Co., returned at the week-end from a short trip to Europe.

JESSE L. LASKY, accompanied by TERRY TURNER, is in Dallas conferring with R. J. O'Donnell of Interstate Theaters on personal appearances of himself and six film stars to select talent for his next Gateway to Hollywood radio program.

MISS RITA CAVE, radio representative of the Odeon Theater circuit of Great Britain, was a visitor at Warner's home office World's Fair Bureau. She is here on vacation and gathering material for her work with the BBC. She returns to England July 26.

LEON G. TURROU, former ace G-man, sailed for New York Saturday after attending London and Paris premieres of "Confessions of a Nazi Spy."

MIKE MOODABE, New Zealand theater magnate who has been a New York visitor, is en route to the Coast with his wife to sail for home from Los Angeles on the Monterey next Wednesday.

ALLAN LANE is motoring from the Coast to New York after completing his role in RKO's "Conspiracy."

RICHARD ROWLAND, after a short visit here, is returning to the Coast.

LOU DIAMOND returned at the week-end by plane from the Coast where he conferred on Para. shorts production.

DAN CASEY, general sales manager in Australia for Universal, has arrived in Hollywood and is coming to New York shortly for conferences with h.o. execs.

RUSSEL CROUSE, having completed the Parascript, "The Life of Victor Herbert," is en route to Skowhegan, Me., for the premiere of "Life With Father" which he co-authored with Howard Lindsay.

LEW LANDERS, having completed his three-year RKO directorial contract, is making a four-week auto tour of the Northwest.

AL WILKIE, Paramount's home office publicity manager, left New York last night for Boston, Albany and Philadelphia where he will hold trade and press meetings on company's forthcoming feature, "Beau Geste."

E. C. GRAINGER, general manager of Fieber & Shea circuit, leaves New York today on a two-week business trip to organization's houses in Ohio, Pennsylvania and New York.

HENRY WEINER, Cuban manager for United Artists, arrived in New York at the week-end on the Oriente on a combined vacation and business trip. He was accompanied by his wife.

ERIC GREENSTAN, circuit manager in England for Columbia, arrived with his wife from London at the week-end for a New York vacation and to confer with home office execs. on company business.

FAY WOODFORD, long associated with films in Syracuse, leaves by motor this week for the Coast on a vacation trip MRS. WOODFORD and their daughter accompany.

THE THEATRE

"A MUST GO ENJOY IT"—
Walter Winchell
GYPSY ROSE LEE Comedy Farce
with Music

I MUST LOVE SOMEONE
with JAMES RENNIE-IRIS ADRIAN
Air-Conditioned and JACK WHITE
Vanderbilt, W. 48th St. Evs. 8:40
Mat. Wed. & Sat.

"Boss, Paramount sure is liftin' those summer mortgages off the nation's show houses with 'MAN ABOUT TOWN'!"



"You said a mouthful, Rochester. **'MAN ABOUT TOWN'** is terrific — topping **'Union Pacific'** in many key runs — and speaking of tops — the two top pictures now in release are Paramount's **'UNION PACIFIC'** and **'MAN ABOUT TOWN'** . . . and there are more to come — **'MAGNIFICENT FRAUD'** . . . **'OUR LEADING CITIZEN'** . . . **'THE STAR MAKER'** . . . **'BEAU GESTE'**. It's a Paramount year!"



LOEW'S 40-WEEK NET TOTALS \$8,173,000

(Continued from Page 1)

company's share of net profits for the 40 weeks was \$8,173,060 as compared with \$8,352,675 for the same period of 1938, when the contingency reserve was \$500,000 lower at \$1,120,000.

Even after this substantial increase in reserves in the current year, the company's share of net profits for the 40 weeks was equivalent to \$4.62 per share on the average number of shares of common stock outstanding in the hands of the public, as compared with earnings of \$4.80 per share on the outstanding common shares during the same period of 1938.

Mono. English Program To Include 32 Features

London (By Cable) — Monogram English program for 1939-40 will consist of 32 features to be distributed through Pathe Pictures, Ltd., stated W. Ray Johnston at a press cocktail party late last week.

Top bracket will be increased from six to 10 pictures, headed by a Jackie Cooper untitled production. "Tom Brown's Schooldays," English classic, is being considered for Cooper's first. (This story has been previously announced by Graham-Towne for release through RKO.)

"Rip Van Winkle," also in the top flight, is being planned as a color film, with negotiations under way to star Jean Hersholt.

Budgets on the new program have been increased by 50 per cent on top allocation films and 33 per cent on others.

While Johnston is in London, he will screen several Pathe productions to consider if they will be added to the 1939-40 American program, following release of Pathe's "Dangerous Fingers" on the current schedule.

Chi. Palace Reopening

Chicago—Tentative plans call for reopening of the RKO Palace theater here on August 25.



Best wishes from THE FILM DAILY
to the following on their birthdays:

JULY 17
James Cagney
Frank Whitbeck
Jack Conway
Al Bondy
Herschel Stuart

ALONG THE



WITH PHIL M. DALY

● ● ● TWENTY-NINE years of continuous operation of a theater is a long time.....so Homer Mulkey, owner of the Pastime Theater in Clarendon, Texas, will celebrate this anniversary with a barbecue at the Blocker ranch near Clarendon.....at which the bookers of the various Dallas film exchanges will be the honored guests.....a committee of arrangements, who will handle transportation to and from Clarendon, consists of Harold Brooks, Metro.....T. P. Tidwell, 20th Century-Fox.....and Maxie Sexton, Republic.....Mulkey says that he is honoring the bookers because they are the ones who render the real service to the exhibs.....the host is the dean of the exhibitors in the Lone Star State.....

● ● ● A NEW angle is all you need in any biz.....and Harry Conover has dug one up for his new model agency on Vanderbilt Avenue.....formerly a model himself, and tagged "the most photographed man in America," Harry is out to explode the "beautiful but dumb" theory.....he believes in personal representation on a quality basis rather than mass production, and will only handle models who possess enough talent to go places if given the opportunity.....Harry is under 30 and only opened his agency four months ago, but already he has acquired a rep for his keen judgment in selecting types.....he also has acquired a neat tag for his girls, who are known as "Conover's Cover Girls".....

● ● ● BACHELOR flops into matrimonial sea.....Tom Gerety of the Metro publicity was married last Friday afternoon at the Municipal Building to Natalie Hammerstein, his sec.....a surprise to everybody.....even Louella Parsons missed it.....and Walter Winchell, the other pre-nuptial palpitator in print.....the happy couple will make their home in Rockville Center.....where Tom will play golf and Natalie will keep the home fires burning.....

● ● ● RESIGNING.....from Warners home office.....Roy Winkler, the head layout man.....after a vacation, he will join Lord & Thomas. . . . ● Twenty-two Governors of as many states have been lined up by Paramount's publicity staff to attend special previews of Bob Burns' new film, "Our Leading Citizen".....It took a N. Y. Sun headline writer to make an Irishman out of the Senate's sponsor of anti-block-booking legislation....."Senator McNeely Attacks Block Booking System".....read the headline.....

● ● ● FIVE-YEAR contract signed by Johnny Pierce, former Goldwyn and RKO dance director, with Leo Morrison.....Pierce has been signed to stage the dances in the forthcoming show, "Houseboat On the Styx," before leaving for the Coast. . . . ● Jerry Livingston, young composer-conductor who recently completed a series of shorts for Warners, is now appearing nightly with his ork at Mother Kelly's Miami Room in our hamlet.....

● ● ● AS Karl Krug, picture editor of the Pittsburgh Sun-Telegraph said in a note to us....."It couldn't happen again in a hundred years".....the remark is called forth by a swell human interest yarn that Krug bylined in his paper.....concerning the death of "Uncle Charlie" Melton, an old professor in the famous Randolph-Macon Academy for boys in Front Royal, Va.....whose life paralleled that of Mr. Chips.....and in the same mail announcing the death of this old schoolmaster beloved by thousands of oldsters and youngsters he taught through the years, Krug got notice of the transfer of "Goodbye, Mr. Chips" from Loew's Penn to Warners' Fifth Avenue in Pittsburgh.....

INDUSTRY CAMPAIGN EXPENSES \$895,55

(Continued from Page 1)

ical Bank & Trust Co. a total of \$92,587.01.

Participants in the campaign contributed \$988,143.06, which represent the total receipts excluding those from the sales of accessories. Producers and distributors paid for \$500,000 affiliated exhibitors contributed \$250,000 and the independent gave \$237,464.76. Sales taxes collected to be paid to city and state agencies amounted to \$678.30.

Newspaper advertising was the heaviest individual expense, costing \$479,216.56. Other disbursement, according to the statement, were Movie Quiz contest prizes, \$250,000; Movie Quiz contest fees and expenses, \$25,540.59; Exhibitors' contest prizes and expenses, \$2,143.86; short subject, "The World is Ours," \$26,097.71; campaign press book, \$12,462.76; New York office salaries, \$39,437; New York office, regional and local committee expenses, \$34,645.28; Hollywood office salaries and expenses, \$7,837.73; salaries and expenses of traveling publicity promoters, \$5,021.55.

A loss of \$3,021.46 was realized on campaign accessories, principally of the Movie Quiz booklets. Other accessory sales showed a profit of \$1,100.21.

It is pointed out in the statement that there are certain liabilities which have not yet been liquidated, principally "because of the failure of the parties to reach a mutually agreeable basis of settlement. The unpaid invoices aggregate \$19,485.93, which include an order for 25,000 press books, legal services rendered by Phillips & Nizer, a page advertisement in the New York Sun prepared by Donahue & Coe and expenses by Paramount in the preparation of a trailer and sales tax collected on accessories.

WEDDING BELLS

Miss Ruth Golden, daughter of Edward A. Golden, vice-president of Monogram, announced her engagement on July 11, to Laurence Witten of New York City. At present, Miss Golden is in Hollywood visiting her brother and sister-in-law, Mr. and Mrs. Robert S. Golden.

Manitowoc, Wis.—Miss Margaret Buchner was married in San Francisco to Ronald C. McDonnell, who is associated with the advertising sales division of Paramount. The newlyweds will visit the bride's parents here on their honeymoon.

Albuquerque, N. M.—Alvin Eyman, assistant manager of Albuquerque Theaters, Inc., and Miss Pauline Warford of Denver were married here Sunday at the Monte Vista Christian Church.

TIME" GETS GREAT PRESS REVIEWS!

Use them!

"One of the outstanding pictures of the current season."

—KATE CAMERON, N. Y. *Daily News*

"One of the most unusual pictures to come to the screen."

—M. P. *HERALD*

"A daring and unusual photoplay . . . Immensely novel and intriguing . . . Fascinatingly different from the general run of screen offerings."

—HOWARD BARNES, N. Y. *Herald Tribune*

"For people who value the unexpected in movies, 'On Borrowed Time' will be an absolute command performance."

—ARCHER WINSTEN, N. Y. *Post*

"A beautiful and exhilarating picture... High above the run-of-the-mill movie entertainment. You will be proud of it."

—BLAND JOHANESON, *Daily Mirror*

"Very definitely a 'must'. Right up near the top of the 10 best pictures of 1939. There won't be very many more to beat it."

—LEO MISHKIN, *Morning Telegraph*

"Beautiful entertainment...vital, alive and penetrating . . ."

—WILLIAM BOEHNEL, N. Y. *World-Telegram*

"Far off the beaten path . . . keeps its audiences chuckling . . . well worth seeing."

—EILEEN CREELMAN, N. Y. *Sun*

"Surely this is one of the first-rate movies, a kind too seldom seen."

—ARTHUR POLLOCK, *Brooklyn Eagle*

"Tremendous emotional appeal . . . Warm, heart-appealing drama."

—SHOWMEN'S TRADE REVIEW

"Retains the richness of human and spiritual qualities of the original . . . Warm and sincere."

—VARIETY

"A highly successful play, equally appealing as a picture . . . deft, engaging, unusual."

—M. P. *DAILY*

"A beautifully human story . . . excellent."

—FILM *DAILY*

"A laudable entry for Academy honors."

—HOLLYWOOD REPORTER

"Will move and delight you."

—JIMMIE FIDLER

"Metro has produced a beautiful film which should meet with wide acclaim . . . Unusual entertainment."

—BOX OFFICE



A SMART OSTRICH!

He keeps his head out of the sand and sees what's going on!

M-G-M's magnificent film
 "On Borrowed Time" is the answer
 To the public demand for
 Something different on the screen!
 Early engagements are
 Excellent at the box-office
 And excellent for the standing of
 The exhibitor and his theatre
 In the community!
 That's important!
 Promote "On Borrowed Time"
 With all your showman skill!
 It pays back in dividends today
 And good-will all year!

with Lionel Barrymore, Sir Cedric Hardwicke, Beulah Bondi, Una Merkel, Bobs Watson, Nat Pendleton, Henry Travers, Grant Mitchell. Screen Play by Alice D. G. Miller, Frank O'Neill and Claudine West. Directed by Harold S. Bucquet. Produced by Sidney Franklin. An M-G-M Picture

IMPORTANT!



Chet Bahn in
 Film Daily says:

"Insist that your patrons see the picture from the start. Unless caught from the opening scene the essential mood of the story may be lost."

Here's how
 to do it
 in ads and
 lobby!

SEE IT FROM THE
 BEGINNING FOR YOUR
 BEST ENJOYMENT
 Feature starts at:
 10:15 7:35
 12:35 9:55
 2:55 12:15
 5:15

THE NEW



BLONDIE PICTURE IS HERE!

The Bumsteads take the whole nation on a roaring vacation...in the newest, best and funniest of their sensational string of family comedy hits!

Blondie TAKES A Vacation

Based upon the comic strip created by CHIC YOUNG

Played by the same inimitable trio of "naturals",

PENNY SINGLETON · ARTHUR LAKE · LARRY SIMMS

as Blondie

as Dagwood

as Baby Dumpling

DONALD MEEK · DANNY MUMMERT · DAISY

Screen play by Richard Flournoy • Directed by Frank R. Strayer

A COLUMBIA PICTURE



ASCAP FILES BILL UNDER NEW FLA. LAW

(Continued from Page 1)

one of three cities,—Jacksonville, Pensacola or New Orleans

Washington — Following conferences concluded this week between U. S. Senator Burton K. Wheeler, (Dem. Montana), and representatives of broadcasting interests in that State, together with Ascap officials, during which the legislator suggested that conciliation be adopted for settlement of differences between the two groups, possibilities appeared bright that a contract might be forthcoming satisfactory to all concerned.

Ascap, which was represented personally by Gene Buck, president, as well by Louis D. Frohlich, organization's counsel, is understood to have unequivocally told Senator Wheeler that the broadcasters are now infringing upon Ascap's rights. Nevertheless, conciliation was not rejected.

Fox Met., Durkee, Rome Circuit Deals Set by UA

(Continued from Page 1)

gotiated by Charles Stern, eastern district manager, and Clarence Eise-man, New York branch manager. John Benas and William White represented Fox. Stern and Fred Rohrs, Washington manager, acted for UA in the Durkee negotiations and the deal with Lou Rome for the latter's houses in Maryland.

Hays and Mayer Give Drive To "Moral Rearmament" Plan

West Coast Bureau of THE FILM DAILY Hollywood—Under auspices of the Oxford group, a mass gathering, "Call to the Nations," advocating "the art of living together once again," will be held Wednesday night at the Hollywood Bowl.

Industry manifested its interest in the movement on Friday last, when Louis B. Mayer M-G-M's vice-president tendered a luncheon to the group with Will H. Hays film industry administrator acting as m.c. More than 200 film executives, actors, actresses, business officials, and delegates attended.

Majestic Cuts Capital

Albany—Change of capital, from \$125,000 to \$10,000, has been filed by Majestic Pictures Corp. with the Secretary of State in papers submitted by attorneys, Kanin and Kanin, New York.

Free Lunch, Too? ?

Green Bay, Wis.—Latest showmanship wrinkle are free noon luncheon shows being staged every Wednesday and Thursday noon at the Orpheum Theater here, featuring 27 minutes of screen entertainment. The shows start at 12:30 p.m. and tickets are available free from four local co-operating restaurants.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the eighteenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. The analysis is designed to clarify the provisions of the Code in non-legalistic language so as to make them readily understandable to all people in the film industry. In view of the fact that the Distributors Negotiating Committee proposes to make the Code effective for the 1939-40 season, THE FILM DAILY deems Mr. Nizer's interpretive presentation an outstanding, timely service of inestimable value to the trade. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 18

IV. SPECIAL ARBITRATION BOARDS

(1) *Appointment of Panels:* In addition to the Permanent Arbitration Boards, there shall be Special Arbitration Boards. They, unlike the Permanent Arbitration Boards, shall be appointed by the individual litigants. In each Exchange territory, the distributors and affiliated exhibitors shall appoint a panel of ten arbitrators. Each organized exhibitor group shall appoint a panel of ten arbitrators. The exhibitor or distributor may appoint his arbitrator from these panels but he need not do so. His appointed arbitrator need not be a member of any panel.

(2) *Two Party Disputes:* Where the dispute is between two parties, the Special Arbitration Board shall consist of three arbitrators selected as follows:

(a) Two arbitrators designated one each by the litigants. They may be members of the panels but they need not be.

(b) The two arbitrators so designated shall choose a third arbitrator who may be a member of the panel of neutral arbitrators but need not be. If the two arbitrators are unable to agree upon a third arbitrator, he shall be chosen by them by lot from the panel of neutral arbitrators.

Chairman: The third arbitrator shall be Chairman of the Special Arbitration Board.

(3) *Disputes Relating to Clearance:* If the dispute refers to clearance, the Special Arbitration Board shall be constituted of five members as follows:

(a) The complaining exhibitor shall designate one arbitrator.

(b) The exhibitor complained against shall designate a second arbitrator.

(c) The distributors, who are the third party to the dispute, shall, by unanimous action, designate a third arbitrator.

(d) The three arbitrators so designated shall, by unanimous action, select two arbitrators who may but need not be members of the panel of neutral arbitrators. If they are unable to agree upon either or both of the two arbitrators, one or both shall be chosen by them by lot from the panel of neutral arbitrators.

Chairman of the Board: The Chairman of such Special Arbitration Board relating to clearance, shall be one of the two additional arbitrators so selected.

(4) *Right to Eliminate Arbitrator:* Where a neutral arbitrator is chosen by lot, each arbitrator of the Special Arbitration Board selected by a party has the right to reject one neutral arbitrator so chosen. In such case, another neutral arbitrator shall be chosen by lot from among neutral arbitrators not so rejected.

(Nineteenth installment will appear tomorrow.)

Pittsburgh Variety Club Plans Picnic July 31

Pittsburgh—Local Variety Club will hold its annual picnic on Monday, July 31, at Camp O'Connell, summer home for boys and one of its beneficiaries.

The following committees have been appointed to take charge of this affair: "King for the Day," Harry Kalmine; Publicity, Karl Krug, Harold Cohen, Dick Fortune; Executive Committee, Ira H. Cohn, chief barker, John H. Harris, Harry Kalmine, Elmer Ecker, Dr. L. G. Beinhauer, Dr. I. A. Wise, Dan Hamill and Jerry O'Neill; Entertainment Committee, Bernie Armstrong, Maurice Spitalny, Brian McDonald, Joe Hiller, C. J. Latta, Herb Greenblatt, Jules Lapidus, Art Marrone, Lew Lefton, Mark Goldman, C. C. Kellenberg and Morris Rosenberg; Sports Committee, Art Rooney, James Balmer, Art Levy, Dave Kimelman, Harry Seed, James Alexander, Bert Bishop, Larry Katz and Max Shulgold.

Cooling Off Mecca Lab.

Mecca Film Lab. at 630 Ninth Ave. is being air-conditioned by Frigidaire. Cooling includes projection and cutting rooms.

82% of Irish Pix Imports Last Year Were From U. S.

Washington Bureau of THE FILM DAILY

Washington—Dominant position of U. S. films in Erie (Irish Free State) is reported to the Department of Commerce by American Vice-Consul E. J. King in Dublin.

About 82 per cent of the 1,506 imported productions was of U. S. origin last year, King reported, while British films ran 17 per cent. Balance of one per cent represented a few German, French and Irish attractions.

King's figures revealed that 70 per cent of houses operating in Ireland, of which there are 200, use U. S. projectors, and 85 per cent of sound reproducing equipment is of U. S. origin.

"Boots" In Demand

West Coast Bureau of THE FILM DAILY

Hollywood—Herbert Rose, dog trainer and owner of "Boots," has been signed by Columbia for the picture "Konga," "Boots" will also be used in Universal's "Destry Rides Again," and Edward Finney plans to use the dog in a Monogram picture.

BALTIMORE THEATER SUING SIX MAJORS

(Continued from Page 1)

suit involves clearance, the plaintiffs contending that before the theater was built, the distributors had assured them that the house would have first-run product but that the Edgewood Theater was demanding and getting 14 days' protection the Westway.

Those named in the suit were: 20th Century-Fox, Columbia, Loew's, Inc., Paramount, United Artists, Vitagraph, Universal, Lyndhurst Corp., Frank H. Durkee, C. Elmer Nolte, Sr., Walter Pacy and Harry Reddish.

The plaintiffs assert that three of the distributors had assured them that the Westway would be treated as a "first-run neighborhood theater," but that Durkee and his associates, who operate the nearby Edgewood, demanded 14 days' clearance over the Westway and that the latter has been unable to get any features without the 14-day delay.

The Federal Court is asked to grant a preliminary injunction, restraining the defendants from granting the Edgewood a 14-day clearance and making features available to the Westway on equal terms; a preliminary injunction restraining the defendants from tying up in any manner whatsoever more feature pictures than the Edgewood can properly use; declare the entire transaction illegal and perpetually enjoin the defendants from further such practices.

The suit was brought by Leo Homand, vice-president of Westway, through his attorneys, Edgar Allan Poe and Edgar Allan Poe, Jr.

From Second to First-Run

Dallas—Interstate's theater changed from a second-run policy to first-run Saturday, filling a need for such a theater on the lower part of theater row. The Melba Theater will be transformed into a second-run theater.

Clarence Reiter Dead

Menominee, Mich.—Clarence Edward Reiter, 31, projectionist at Marinette, Wis., and Menominee theaters, is dead here. He is survived by his parents, wife, three children and three sisters.

Mrs. Emil Oster Dead

West Coast Bureau of THE FILM DAILY

Hollywood—Mrs. Emil Oster, wife of the head of the Columbia camera department, died following an operation for the removal of a brain tumor.

(Pet) Dog Matinee

Fond du Lac, Wis.—A pet dog matinee on a Thursday afternoon was recently staged by the Garrick Theater here with 25 prizes awarded to the best judged dogs. Admission was a dime, which included free root beer to every boy and girl attending.

Date Her Up....

JULY 28th!



Ann Sheridan...

in her first starring role in 1939's colossal carnival of joy. She'll melt any snowman's . . . or showman's heart!



**THE GAYEST, GRANDEST HIT OF
THE SUMMER SEASON!**

WALTER WANGER presents

Ann Sheridan

in

WINTER CARNIVAL

Actually photographed during the world-famous Dartmouth Winter Carnival

with **RICHARD CARLSON**

HELEN PARRISH • ROBERT ARMSTRONG • VIRGINIA GILMORE

Directed by CHARLES RIESNER • Released thru UNITED ARTISTS

Here comes Ann Sheridan
... Oh, Boy!

He may be made of ice ...
but his heart's on fire!

Hang on to your hat, Snow-
man ... here you go!

Just a puddle ... but it's
pleasure!

Senate Resumes Neely Debate, Votes This Afternoon

Amendments Adopted; White Sees Step Towards State Socialism

Washington Bureau of THE FILM DAILY

(Continued from Page 1)

said that amendments were intended to overcome the objections of the opponents, who argued that the wording was too loose.

White Assails Measure

This was one of the main points in the arguments presented by Sen. Wallace H. White, Jr., R., Me. He assailed the bill which, he said, provided criminal penalties but failed to bring out clearly just what would be a violation of the law. White said that a law with criminal penalties should be so explicit that there should be no question. He attacked the measure as being another step toward state socialism and told the Senate that the industry was settling its own problems and that Government should not interfere.

His measure has been in the throes of "Parliamentary rigor mortis" for the past six months, Neely declared as he led off the debate. The measure attacks two indefensible trade practices—block-booking and blind-selling—he said. "The opposition has advanced no new arguments" since the Senate passed a similar measure last term, Neely declared, and should take similar action now.

The bill's sponsor then attacked opponent witnesses, with one exception, at the hearings as spokesmen for the Hays office, whose expenses, he said, were paid either directly or indirectly to MPPDA. Senator Downey of California was the only opposition witness whose testimony did not reflect the opinion of the Hays office, he declared.

"Every telegram sent to Washington in opposition to the bill was instigated by the Motion Picture Trust," he said. While Ed Kuykendall, MPTOA prexy, sat in the gallery watching the floor proceedings, Neely attacked the MPTOA as "closely identified with the Hays organization."

Neely Cites Trust Suit

"One of the merits of the bill is that it does not extend or establish censorship," Neely said. He then cited the Justice Department suit which also attacked the trade practices of the industry and declared, "the trust theaters are not subject to the practice of block-booking and blind-selling."

Attacking the hearty testimony of Robert Montgomery, who represented the SAG, Neely said that instead of causing unemployment among actors passage of the bill will cause an increase by the demand for more pictures from more independent companies.

The Commerce Department conferences are the latest attempt to delay the bill, Neely said and then cited the latter sent to him by Secretary Hopkins advising Congress the confabs were not for that purpose. On the question of financial setback for

THE WEEK IN REVIEW

Industry's Golden Jubilee—WB British Plans

By GEORGE H. MORRIS

(Continued from Page 1)

Thomas A. Edison, at West Orange, N. J. Jubilee Committee, headed by Kenneth Clark, MPPDA public relations manager, announced that promotional manual is in preparation and would be dispatched to all U. S. theaters.

* * *

HAYS PLEA: Speaking for the Coast to conclave of National Assn. of Broadcasters in Atlantic City via radio hookup, Will H. Hays, film industry administrator, asked "reasonable freedom for American business to keep abreast of changing conditions and to erect a more stable edifice of prosperity." Speech's subject dealt with press, screen and radio.

* * *

COPYRIGHT ACTION: Edwin P. Kilroe, representing MPPDA copyright committee, sailed at mid-week for Europe to survey sentiment there re conference to be held next Spring in Brussels to amend Berne Convention.

* * *

EXHIBITION: Headlines dealing with this arm of filmland told of Connecticut indies in drive to force lower film rentals . . . Move by N. Y. Allied to ask distribs. for a State code . . . Urging of members by Texas Allied not to sign trade practice code individually . . . Report from Minneapolis conclave that Northwest Allied is going through with buying combine . . . Possibility that Allied may spurn Commerce Dept. parley invite . . . Postponement until Fall by Nebraska, West Va. and Iowa MPTO of code action . . . Demise in Wisconsin of tax proposal legislation, but fear of admish levy, and . . . Disclosure through a survey con-

ducted by John Ebersson, film theater architect, that expenditure for new theater construction in 37 States East of the Rockies during first six months this year totaled \$8,404,000, and remodeling \$11,638,000.

the producers under the bill, Neely contended "they will not suffer from two slight reforms." High salaries of producers and stars next came in for a lambasting from the West Virginia solon.

Intelligence by Statute

Replying to a question from Sen. Holman as to whether Congress could legislate intelligence into morons who patronize obscene pictures, Neely said "Yes, by placing control in the hands of the decent citizens."

Sen. Smith evoked considerable attention from both the galleries and the floor in his short fiery speech. "Common sense and decency is already having its effect on the motion picture industry," he said. Admitting that there might be some evils in present trade practices, he declared, "I don't see any need to burn down the house to get the rat."

Block-booking and blind-selling are not the evils they are painted, Smith said. "When you understand why

acted by John Ebersson, film theater architect, that expenditure for new theater construction in 37 States East of the Rockies during first six months this year totaled \$8,404,000, and remodeling \$11,638,000.

NEELY BILL: As week waned, action was expected in Washington on block-booking measure of Sen. M. M. Neely. Bill, recently amended, had undergone several postponements, but debate and vote was held imminent.

FOREIGN

WB BRITISH PLANS: Warners, at Teddington studios, are aiming at production of some five multiple quota pix for new season, asserted Hal B. Wallis on return from conferences there with Sam Sax, company's British production chief. Wallis disclosed that pix will be of Hollywood caliber, using U. S. stars, and made on big budget scale.

* * *

PICKFORD ANNOUNCEMENT: Using facilities of Korda's organization at Denham, Mary Pickford will put before cameras there shortly after the New Year her personally owned property, "The Bat," and subsequently make its sequel, "The Bat Whispers," both for UA release, she said on arrival from England. She also has eye on Hollywood production for "Dorothy Vernon of Had-don Hall."

* * *

SWISS QUOTA: Cable from Berne divulged U. S. distrib. representatives fighting to head off impending passage of quota legislation sponsored by Swiss Film Chamber, official body. Measure is very likely to be enacted.

it's so, you applaud it instead of denounce it."

Attacking the so-called "community influence—whatever that may be," Sen. White declared past performances had not shown that local community influence is effective.

Source of the regulation must be at the roots—the production end, White said, if it is to be effective.

Taking up the monopoly charges, he declared, "if there be monopoly control, the solution rests in the anti-trust laws."

802 Sets Band Concerts

Through the joint co-operation of Mayor LaGuardia, John S. Burke, of the Friedsam Foundation, and Local 802, A F of M, a series of 15 band concerts will be inaugurated tomorrow at the Sarah Delano Roosevelt Playground. This series, to be given during the Summer of 1939, will be held at the various municipal pools and recreational centers of New York.

COURT FIGHT BY AFA LOOMS AGAINST AAAA

(Continued from Page 1)

week-end by Ralph Whitehead, executive secretary of the latter body, who contends that the effort to draw members of the federation, A.F. of L. affiliate, into the new guild would be regarded by him as interference.

AAAA granted a charter to the American Guild of Variety Artists on Friday afternoon with jurisdiction over principals and chorus of vaudeville, presentation houses, night clubs, circuses and carnivals. Action followed revocation of the charter of American Federation of Actors after the members of the International Board of AAAA were polled on charges made against the AFA. Charges had been the subject of three days of open hearings.

Eddie Cantor was appointed temporary prexy of the American Guild of Variety Artists. Original and temporary governing board will comprise Ralph Morgan and Kenneth Thomson, prexy and executive secretary respectively of SAG; Bert Lytell and Paul Dullzell, first vice-president and executive secretary respectively of Actors Equity; Bert Lytell and Ruth Richmond, first vice-president and executive secretary, respectively of Chorus Equity; Jean Greenfield and Reuben Cuskin, president and business manager respectively of Hebrew Actors' Union; Eddie Cantor and Emily Holt, president and executive secretary respectively of American Federation of Radio Artists; and Lawrence Tibbett and Leo Fischer, president and executive secretary respectively of the American Guild of Musical Artists.

Yiddish Production Starts

Maurice Schwartz, Yiddish star, has completed negotiations with the Mayman Film Co. wherein the former will make a screen version of one of his stage productions, "Tevya," penned by Sholem Aleichem. As in the stage version, Schwartz will portray the title role. Miriam Riselle will have the femme lead with a cast of 200 assisting. Sholem Secunda, Yiddish composer, has fashioned the incidental musical score. Production is under way at the Biograph studios under the direction of Schwartz.

Capt. Oldfield Called

Lincoln, Neb. — Barney Oldfield, Sunday Journal and Star motion picture columnist and KFOR chatterer nightly, takes Aug. 6-19 off and reports to the National Guard encampment in Ashland, Neb. Holds rank of captain, and handles the state's press during the two weeks of practical soldiering in the field.

★ REVIEWS OF THE NEW FILMS ★

"Unexpected Father"

with Baby Sandy, Shirley Ross,
Dennis O'Keefe, Mischa Auer

Universal 73 Mins.

(HOLLYWOOD PREVIEW)

SWELL COMEDY CERTAIN TO SCORE AT THE B. O. INTRODUCES NEW BABY "FIND."

Cute little Baby Sandy and Mischa Auer share acting honors in this offering, which has been expertly directed by Charles Lamont, who is a veteran in guiding the screen performances of youngsters. Sandy is the central figure in several amusing situations and with the always amusing Auer piles up a heavy total of laughs. Sandy's capers and antics will win the femme fans and children, and will also get a good reaction from the males. Dennis O'Keefe, Shirley Ross, Donald Briggs, Richard Lane, Paul Guilfoyle, Mayo Methot, Anne Nagle and Spencer Charters are among the principals who do good work. Ken Goldsmith functioned as associate producer. Leonard Spigelgass and Charles Grayson wrote an amusing original screenplay. Jack Otterson designed some attractive sets. O'Keefe's former dancing partner and her husband are killed in an accident, leaving their youngster, Sandy, an orphan. O'Keefe, his roommate, Auer, and O'Keefe's sweetheart, Shirley Ross, take charge of Sandy. O'Keefe, Auer and Shirley work at a theater, where one night, O'Keefe hides Sandy on a chair, which turns out to be a throne for one of the musical acts. When the curtains open revealing Sandy sitting there, the audience goes mad. Reading of Sandy's tremendous hit, the baby's cruel uncle, Guilfoyle, and aunt, Mayo Methot, determine to get Sandy back, since there is a chance to make a lot of money. The court rules against the relatives and Sandy is committed to an orphanage. There is a fast and exciting finish when O'Keefe rushes to Greenwich, Conn., to stop the marriage of Briggs and Shirley. O'Keefe is successful and Shirley agrees to marry him. They are also awarded the custody of Sandy.

CAST: Baby Sandy, Shirley Ross, Dennis O'Keefe, Mischa Auer, Joy Hodges, Dorothy Arnold, Anne Gwynne, Anne Nagle, Donald Briggs, Richard Lane, Paul Guilfoyle, Mayo Methot, Jane Darwell, Spencer Charters, Ygor and Tanya.

CREDITS: Associate Producer, Ken Goldsmith; Director, Charles Lamont; Authors, Leonard Spigelgass and Charles Grayson; Screenplay, Same; Cameraman, George Robinson; Art Director, Jack Otterson; Associate, Ralph M. DeLacey; Editor, Ted Kent; Musical Director, Charles Previn.

DIRECTION, Expert. PHOTOGRAPHY, Very Good.

Rocky Mt. Screen Club Sets Picnic for Aug. 16

Denver—Annual picnic and dinner dance of the Rocky Mountain Screen club has been set for Aug. 16, and will be held at the mountain spot of Eddie Ott at Evergreen. The day's activities include a golf tournament on the Evergreen mountain course, bridge, picnic sports, with numerous and appropriate prizes being offered. Manager E. E. Edwards says he expects about 250 to attend.

"News is Made at Night"

with Preston Foster, Lynn Bari

20th Century Fox 71 Mins.

NICELY HANDLED BUDGET PIC FACES STRONG ENTERTAINMENT WITH THRILLS AND LAUGHS.

Lively comedy-meller done on a modest budget, but the picture rates high because of the fine acting and directing, and laughs and thrills that are popping together all the time. The story itself is one of those far-fetched newspaper reporter things, but the interest aroused, and the suspense and laughs overcome the improbabilities of the plot. Foster is the newspaper editor plagued by Lynn Bari to give her a job as reporter. But he has no use for girl reporters. But she persists, and because of her uncanny ability to hit on clues in a gang murder story, Foster is forced to hire her. The editor is trying to save an innocent man from going to the chair. It becomes a question of hours, then minutes. By a ruse, he forces the governor to delay execution. Then he is on the spot to make good on the affidavit he claims exists that will prove the gangster chief ordered the killing for which the innocent man awaits death. Works up to some great last-minute suspense, and a load of laughs, with Eddie Collins as a butler scoring with the funny material. Bari is a swell looker, and Foster handles his role with great competence. Selling angles: the last-minute thrills in the death house; the strong comedy-thrills combination of entertainment.

CAST: Preston Foster, Lynn Bari, Russell Gleason, George Barbier, Eddie Collins, Minor Watson, Charles Halton, Paul Harvey, Richard Lane, Charles Lane, Betty Compson, Paul Fix, Paul Guilfoyle.

CREDITS: Producer, Edward Kaufman; Director, Alfred Werker; Author, John Larkin; Cameraman, Ernest Palmer; Editor, Nick De Maggio.

DIRECTION, Very Good. PHOTOGRAPHY, Good.

Ross and Dragonette Will Sing "Gulliver" Numbers

Miami, Fla.—Lanny Ross and Jessica Dragonette will supply the singing voices for the Prince and Princess in "Gulliver's Travels," being made in the Fleischer studios. Lilliputian Gabby, the town crier, who is expected to steal the picture, will be voiced by Calvin Howard, a Fleischer story writer. Lovey Warren, producer of floor shows at the Royal Palm Club, will be the speaking voice of the Princess. Sam Parker, Miami radio announcer, will be the voice of Gulliver himself.

"Western Caravans"

with Charles Starrett

Columbia 59 Mins.

STRONG ACTION FILM HAS SWELL PITCHED BATTLE BETWEEN SETTLERS AND RANCHERS.

A stirring action picture with a pip of a stage battle in the town for a climax, as the ranchers and newly arrived settlers fight it out. In between is the young sheriff, Charles Starrett, who is trying to preserve peace between the warring factions. But the rustler gang has connived to set one camp against the other, and when the big blow-off comes, to rustle the cattle by the wholesale. This plan works right up to the time when the battle starts, but a rider arrives with news that the rustlers have started their work. Realizing that the sheriff was right all the time, and that the rustlers are their real enemies, the two forces combine, and polish off the rustling gang in thrill fashion. It is good action all the way, with plenty of human incidents and a fair share of comedy. The Sons of the Pioneers contribute their western harmonies. Iris Meredith is fine as the leading lady. Dick Curtis as the head rustler is a strong character they will love to hiss.

CAST: Charles Starrett, Iris Meredith, Dick Curtis, Russell Simpson, Hal Taliaferro, Hank Bell, Bob Nolan, Sammy McKim, Edmund Cobb, Ethan Laidlaw, Sons of the Pioneers.

CREDITS: Director, Sam Nelson; Screenplay, Bennett R. Cohen; Cameraman, George Cooper; Editor, William Lyon.

DIRECTION, Good. PHOTOGRAPHY, Good.

Buys RCA Tele. Equipment For St. Paul Station

Arrangements for the immediate installation of a television picture system for demonstrating television to the public of St. Paul and of the surrounding territory, were completed by Stanley Hubbard, president of station KSTP, with the Engineering Products Division of the RCA Manufacturing Company. Equipment is similar to that now in use at the New York World's Fair and at the Golden Gate Exposition.

Several other station owners from other sections of the country who attended the recent NAB convention at Atlantic City, where the RCA television units were on exhibit, will soon purchase similar equipment for their territories, it was said.

Il Duce Heeding Italian Film Squawks; New Overtures for U. S. Pix Foreseen

Hollywood—Premier Mussolini is personally heeding the clamor of Italian pix audiences for a return to screens there of U. S. product, since pixgoers have been booing the old German and French films, plus criticizing native pictures as uninteresting, it is declared here by Hal B. Wallis, Warners' associate production chief, who has returned to his post from Europe. Wallis also stated that it may not be long before "feelers" from Rome are put out for return to Italy of Hollywood attractions. He added that Warners are to make a pretentious feature based on the life of Alfred Nobel, provider of awards for achievements in peace, literature and science.

9 FEATURES STARTING; 39 CURRENTLY IN WORK

(Continued from Page 1)

Loder. Nigel Bruce and Matthew Boulton. George Fitzmaurice, director. Story deals with international spys in the diamond mines of South America.

At M-G-M: "Another Thin Man" co-starring William Powell and Myrna Loy. Hunt Stromberg, producer, and W. S. Van Dyke, II, director.

At RKO: "Three Sons," with Edward Ellis in the leading role, Kent Taylor and Virginia Vale-Robert Stanton, the two youngsters selected in the second of Jesse L. Lasky's "Gateway to Hollywood." Producer, Robert Sisk; director, Jack Hively, with screenplay by John Twist. Story of a man who comes to Chicago immediately after the big fire and starts with a small store and finally builds it up to one of the largest department stores in the world. He has three sons who he hopes will take over the business but they all prove bitter disappointments to him.

At Universal: "Missing Evidence," with Preston Foster and Irene Hervey. Phil Rosen, director. "Before Your Eyes," Harold Schuster, director, and George Yohalem, associate producer.

At Columbia: "Konga," with Fred Stone and Rochelle Hudson. Sam Nelson, director. An untitled western with Charles Starrett and Iris Meredith. Norman Deming, director.

At Monogram: "Sky Pilot," third in the series of Tailspin Tommy productions which Paul Malvern is producing. Howard Bretherton, director. John Trent, star.

At Republic: "Wall Street Cowboy," a Roy Rogers western with George Givot and Raymond Hatton. Joe Kane, producer and director.

Currently in production: "Here I Am a Stranger," "Tin Hats," "Hollywood Cavalcade," "City in Darkness," "Drums Along the Mohawk," "Adventures of Sherlock Holmes," 20th Century Fox; "The Light That Failed," "Seventeen," "Untamed," "Federal Offense," "Are Husbands Necessary?" "Dr. Cyclops," "Our Neighbors—The Carters," Paramount; "A Day at the Circus," "Henry Goes to Arizona," "Northwest Passage," "Ninotchka," "Bala-laika," M-G-M; "The Modern Cinderella," "First Love," "The Underpup," "Rio," Universal; "The Hunchback of Notre Dame," "The Day the Bookies Wept," "Allegheny Frontier," RKO; "We Are Not Alone," "20,000 Years in Sing Sing," "The Roaring Twenties" (new title) for "The World Moves On," "On Your Toes," "Career Man," "Queer Money," Warners; "Five Little Peppers and How They Grew," "Prison Sergeant," Columbia; "Flight at Midnight," Republic; "Intermezzo," "Gone With the Wind," Selznick International; "Eternally Yours," Wanger; "The Road to Glory," Goldwyn; "The Housekeeper's Daughter," Roach.

STOCKHOLDERS OKAY
GN FINANCING PLANS

(Continued from Page 1)

ing itself in the industry. Approximately \$1,450,000 will be made available through the combined RFC-Felt deals, although the Felt plan may be modified somewhat when the RFC is completed.

The RFC loan is reported to involve between \$400,000 and \$500,000, while Felt & Co. can furnish \$950,000. As soon as the financing details are completed, the company will pay off the studio mortgage, held by Erpi, which amounts to about \$200,000, while an initial payment of \$50,000 will be paid on account to Loyd Wright, trustee for the creditors. It is believed that the RFC will take a mortgage on the Educational Studios in Hollywood.

With financing problems solved, E. W. Hammons, president, is expected to re-build the production and distribution structure of his organization. It is reported that between 50 and 60 salesmen will be placed on the payrolls of the various exchanges. Hammons and Irving Felt are slated to go to the Coast in about 10 days to delve into the production setup. Felt executives will take an active part in the operation of the company, it was stated by Felt, himself, on Friday.

Grand National, it is reported, will not participate actively in production but will make its funds available to worthwhile producers who will supply the GN programs. Thus, GN will become a lending and financing organization. At the same time, it is understood that GN will seek several independent pictures for immediate distribution.

"U" to Defend Darrieux
Pact "in All Countries"

Universal at the week-end released a statement to the effect that its contract, executed in 1937, gives the company "the exclusive rights to the artistic services of Danielle Darrieux for all English-speaking films and an option on French-speaking films."

Concluded the statement:

"Universal never having been party to any legal process affecting Danielle Darrieux, no legal decision or award of any kind can have been made which affects the rights of Universal and the company is determined to defend its rights by all legal means in all countries."

N. J. Gold Mines!

London (By Cable)—It may be news to you in America that there are gold mines in New Jersey, but Ernest W. Fredman, editor of the Daily Film Renter, has what he considers proof: a letter from a man in Absecon, N. J., who says he is a gold prospector and wants some films of ships in bad weather, big game hunting and the like to show to the mining men! An exhibitor in disguise?

15 Nations to Exhibit at Cannes

Paris (By Cable)—Fifteen nations have already notified the Organization Committee of the International Film Festival at Cannes that they would participate. Countries are the U. S., Great Britain, Belgium, Holland, Spain, South America, Poland, Switzerland, Roumania, India, Egypt, Russia and the Scandinavian countries.

British Exhib. Fear Home
Tele May Cut Draw 25%

(Continued from Page 1)

at the meeting of the Bristol and West of England Branch of the CEA here. Instance was cited of one London family which had not once visited a cinema within three weeks after getting a home tele set.

General opinion was that the novelty of small tele pictures in the home would soon wear off, and that it would be wiser to go along with the television tide rather than to try to hold back the new medium of entertainment.

However, it was decided to take up at the next monthly meeting the appointment of a committee to consider what menace home tele might prove to hold for the picture industry.

London (By Cable)—The national CEA's television committee, after devoting much attention to the tele opposition to the cinema, has drawn up proposals which it will make to the Postmaster General on the subject, after conferring with the distributors' organization, the KRS, to co-ordinate the views of both bodies.

The CEA tele committee advised keeping an open mind on the general tele policy until the advisory committee of the General Post Office submits its tele report. It is expected that the GPO report will give some indication of the trend in tele development, especially as regards home programs and big screens in theaters.

TMAT Council to Probe
WMT Lockout Charges

Springfield, Mass.—An investigation of lockout charges brought by employees of the Paramount Theater, against Western Massachusetts Theaters, Inc., has been authorized by the national executive council of the TMAT Union.

Charles P. Carroll, national chairman of the council, was ordered to Springfield to investigate the charges in a resolution passed by the council. He was authorized by the council to call a general circuit strike, if necessary, establishing strike headquarters in Springfield.

Paramount Theater closed July 5. Harry Storin, manager, charged that Samuel Goldstein, president and general manager of Western Massachusetts Theaters, Inc., was prejudiced against himself and two other members of the TMAT as the result of a union election in which the company was charged with coercion and domination, and that the closing of the theater amounts to a lockout.

Temporary lack of money-making pictures was the reason for the closing, the theater interests claim, and negotiations are now being made for Fall releases for the house.

Para. Shooting Last Pix
For 1939-40 First Quart.

(Continued from Page 1)

duction. Exception noted, "Are Husbands Necessary?" is now before the cameras, with E. H. Griffith directing.

Pix finished for the first quarter include "Death of a Champion," "The World on Parade," "Beau Geste," "\$1,000 a Touchdown," "Range War," "What A Life," "Jamaica Inn," "Gerónimo," "Disputed Passage," "Argentina," "The Cat and the Canary," "The Llano Kid" and "Rulers of the Sea."

Now in work for release later during the 1939-40 season are: "Dr. Cyclops," featuring Janice Logan and Albert Dekker, directed by Ernest Schoedsack and produced by Dale Van Every; the William A. Wellman production, "The Light That Failed," starring Ronald Colman; "Our Neighbors—The Carters," starring Fay Bainter and Frank Craven with Ralph Murphy directing and Charles R. Rogers producing; "Seventeen," starring Jackie Cooper under the direction of Louis King and produced by Stuart Walker; and "Untamed," starring Ray Milland, Patricia Morrison and Akim Tamiroff, with George Archainbaud directing and Paul Jones producing.

RULES IATSE CANNOT
REVOKE 37 CHARTER

(Continued from Page 1)

on May 5 against IATSE not to revoke charter.

However, Judge Willis ruled that John F. Gatlee and Frank Stickling, who took over the affairs of Local 37 on March 13 and who brought counter suit against officers of Local 37 for \$10,000, be granted the \$10,000 for purpose of administering affairs of No. 37 until the General Executive Board of IATSE determine that the extreme emergency does no longer exist.

Judge Willis pointed out that at the 1936 convention of IATSE a strong change of policy occurred and that the office of President was given strong autocratic powers and that the organization had changed from a simple democracy to a single individual autocracy by centralizing power over persons, property and finance.

It gave the President authority to run every local he would choose to declare in a state of emergency. Judge Willis also pointed out that inasmuch as the IATSE is an unincorporated organization, the courts have no power or rights to rule on this change of policy. He declared that there was no conspiracy to declare the state of extreme emergency as charged by Carpenter and said that Stickling, Gatelee and Harold V. Smith were simply agents of President Browne.

What were you doing

YESTERDAY

What are you doing

TODAY

What will you be doing

TOMORROW

**"There were crowded houses
at the Music Hall yesterday,
the biggest opening since
Easter; and the film —**



Edward Small's
THE MAN IN
THE IRON MASK
—deserved it!"

Eileen Creelman
New York Evening Sun

Released thru
UNITED
ARTISTS

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 11

NEW YORK, TUESDAY, JULY 18, 1939

TEN CENTS

Radical Anti-Trust Procedure Changes May be Urged

SENATE PASSES NEELY MEASURE, 46-28

Penn. Won't Appeal from Chain Theater Tax Decision

State Will Permit Court's Knockout to Stand, Reno Declares

Harrisburg, Pa.—No appeal will be taken from the Pennsylvania Supreme Court decision invalidating the chain store and theater tax by the state, Attorney General Claude Reno told THE FILM DAILY yesterday. Levy, which imposed a graduated tax of \$1 to \$500 on stores and theaters, depending upon number under same ownership, was successfully fought by theater interests and declared unconstitutional on June 19.

WB'S BIGGEST YEAR IN ENGLAND--MILDER

Warners are having biggest revenue year via their distribution set-up in England since company's establishment there, it was declared by Max Milder, managing director of Warner Bros. Pictures, Ltd., upon his arrival in New York yesterday aboard the Queen Mary.

Augmenting this statement, Sam
(Continued on Page 2)

FWC Execs. Here to Talk Republic Product Deal

Huddles involving Fox West Coast and Republic execs, scheduled to have taken place yesterday, will not materialize until tomorrow. Impending negotiations have as
(Continued on Page 7)

WOULD FILL RKO BOARD

Hearing on Trustee's Petition
Set for Thursday

Application of Irving Trust as RKO's trustee for permission to call a meeting of the remaining members of the RKO board for the purpose of electing as new directors the names approved by Federal Judge William Bondy will be heard Thursday at 2:30 p.m. Date was set yesterday by the Court.

Petition stated that of the 19 directors elected at the last stockholders' election, on March 23, 1932,
(Continued on Page 7)

FRENCH PIX GAIN IN CUBAN FAVOR

French pictures are gaining in popularity in Cuba, according to Henry Weiner, manager of United Artists' Havana office, who is in New York on a combination business and vacation trip. Weiner said
(Continued on Page 3)

Bill Goes to House, But Without Chance for Action at This Session—King Challenges Its Constitutionality

By MILTON F. LUNCH, Washington Bureau of THE FILM DAILY

Washington—For the second time in as many years, the controversial Neely bill to outlaw compulsory block-booking and blind-selling passed the Senate here yesterday afternoon and was sent to the House. The vote was recorded as 46 to 28.

KUYKENDALL TO HEAD D OF C CONFAB GROUP

Washington Bureau of THE FILM DAILY

Washington — Ed Kuykendall, MPTOA prexy, announced yesterday he would lead a delegation for a huddle with Commerce Dept. officials on industry problems Thursday.

Those slated to accompany Kuy-
(Continued on Page 3)

Sales Managers to Resume Pix Code Talks This Week

Sales chiefs are expected to resume their conferences on the revision of the arbitration clauses of the trade practice code this week, al-
(Continued on Page 7)

TNEC Report Advocates Civil Remedies For Enforcement of Anti-Trust Laws

AFA Would Enjoin 4 A's; Court Hears Plea Today

Abraham J. Halprin, counsel for AFA, issued a statement yesterday on behalf of his client that action has been instituted in local Supreme Court against the Associated Actors and Artistes of America and the American Guild of Variety Artists, seeking to obtain a judgment va-
(Continued on Page 2)

Washington Bureau of THE FILM DAILY

Washington — Strong possibility that the final report of the TNEC next February will contain broad outlines for thorough revision of anti-trust procedure was seen yesterday in the wake of the Committee's preliminary report.

Of unusual interest to the film industry for more reasons than one, the preliminary report to Congress
(Continued on Page 7)

There is no hope for action in the lower chamber at the present session as Chairman Clarence F. Lea of the Interstate Commerce Committee has stated his group will not act without a public hearing on the measure. With Congress hoping to adjourn next month, the time element bars such a hearing.

Senate approval came on the heels of a savage attack upon the bill,
(Continued on Page 6)

EARL HUDSON HEADS UNITED DET. THEATERS

Earl Hudson will be the nominal successor to George Trendle as head of United Detroit Theaters, it was learned yesterday. Hudson former-
(Continued on Page 3)

Lesser-Lurie To Form New Producing Company

San Francisco — New producing corporation to be organized by Sol Lesser as a result of his five-year UA franchise will start with a paid
(Continued on Page 3)

Sen. King as P. A.

Washington Bur., THE FILM DAILY
Washington—During the Neely Bill debate yesterday, Metro's "Goodbye, Mr. Chips," English produced, got a nice plug on the Senate floor when Senator King praised it as "A picture the name of which I ought not to mention, because we do not advertise them here, but which I think merits the approval of young and old, churchgoers and those who do not go to church, farmers, preachers, writers and editors, everyone."

Stocks Climbing

On a generally rising market, film stocks showed a sharp rise on the New York stock exchange yesterday. Universal leading the upward climb by an advance of 4½ points, closing at 65. Para. first pfd. was up 2¾ to 95¾. Loew's common up 1½ to 45¾, and the pfd. gaining 1½ closing at 109¼. Eastman Kodak gained 1½ points and Warner common ¾ and the pfd. 1. Other stocks showed gains of from ¼ to ¾ points.

THE Film DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 11 Tues., July 18, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	133 3/8	12 1/2	133 3/8	+ 5/8
Col. Picts. vtc. (2 1/2%)	10 1/2	10 1/8	10 1/2	+ 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11 1/8	10 5/8	11 1/8	+ 3/4
East. Kodak	168 1/2	167	168 1/2	+ 1 1/2
do pfd.				
Gen. Th. Eq.	12	11 1/4	11 3/4	+ 1/2
Loew's, Inc.	45 3/8	44	45 3/8	+ 1 1/8
do pfd.	109 1/4	109 1/4	109 1/4	+ 1 1/4
Paramount	10	9 3/8	10	+ 5/8
Paramount 1st pfd.	95 3/4	95	95 3/4	+ 2 3/4
Paramount 2nd pfd.	10 1/2	10 3/8	10 1/2	+ 3/8
Pathe Film	10 1/2	10	10 1/2	+ 1/4
RKO	1 3/4	1 3/4	1 3/4	+ 1/8
20th Century-Fox	20 3/4	19 7/8	20 3/4	+ 3/4
20th Century-Fox pfd.	29 3/4	29 3/4	29 3/4	
Univ. Pict. pfd.	65	65	65	+ 4 1/2
Warner Bros.	5 1/4	5	5 1/4	+ 3/8
do pfd.	52	52	52	+ 1

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	103 3/8	103 3/8	108 3/8	+ 3/8
Loew's deb. 3 1/2s46	52	51	52	
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	89 1/2	89	89 1/2	+ 1/2
RKO 6s41	67 1/2	67 1/2	67 1/2	+ 1/2
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	90 1/4	90 1/4	90 1/4	

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.				
Technicolor	15 7/8	15 1/4	15 5/8	+ 1/8
Trans-Lux				
Universal Corp. vtc.	3 1/2	3 1/2	3 1/2	
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		3 3/8
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

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COMING AND GOING

ED KUYKENDALL, MPTOA prexy, left Washington last night for New York but plans to return to the Capital tomorrow.

SAMUEL GOLDWYN arrives Monday to attend the world premiere of "They Shall Have Music" which opens at the Rivoli July 26.

EDWARD G. ROBINSON and wife are en route here from the Coast to sail soon for Europe.

MAX MILDER, managing director of WB Pictures, Ltd., accompanied by MRS. MILDER, arrived in New York from England yesterday on the Queen Mary.

COLE PORTER, songwriter, arrived from the Coast by plane at the week-end to consult his physician regarding injuries to his leg in an accident. He is stopping at the Waldorf-Astoria, and plans to return to the Coast by plane today.

BOYD T. STARROW, assistant manager of Loew's Theater, Wilmington, Del., and HENRY L. SHOLLY, FILM DAILY correspondent, arrive here next Friday to visit the World's Fair.

LEO SPITZ, RKO special counsel, is here from Chicago on special business for the company.

SALLY EILERS has completed her role in RKO's "Full Confession" and is in Schenectady, N. Y., to play the lead in George Ade's play, "The College Widow" at the Mohawk Drama Festival at Union College.

JUNE CARLSON, a Jones Family player for 20th-Fox, has left New York for Wilkes-Barre, Pa. to continue her vacation. While in New York, she visited the World's Fair, the locale of the next Jones Family picture.

MOE HOWARD, LARRY FINE and CURLY HOWARD, Columbia's Three Stooges, arrived in New York yesterday on the Queen Mary following a six weeks' p.a. tour of England, Scotland and Ireland.

HERMAN GOLDEN of Columbia's foreign department, leaves Thursday on the S. S. Panama for a trip to Panama and Cuba on a business survey for the company.

CHARLES COBURN, who recently completed a role in RKO's "Memory of Love," is in Schenectady heading the Mohawk Drama Festival of Union College.

LUCILE GLEASON arrived back in Hollywood yesterday from New York.

IRVING PARKER is scheduled to leave Hollywood today for a three weeks' business trip to the East.

J. T. SHEFFIELD, Northwest franchise holder for Republic, and GROVER C. PARSONS, West Coast division manager, arrived in New York yesterday for home office conferences.

RALPH DOYLE of Paramount's Australian office sails tomorrow on the Monterey from Los Angeles for down under.

ROBERT R. SHERWOOD, screen writer and dramatist, returned yesterday on the Queen Mary from Europe.

MORGAN HOBART, manager of Technicolor's New York office, returned to his post yesterday following a brief vacation at Westport, Conn.

JOHN EBERSON, film theater architect, has returned to his office here from a business trip to Texas.

GEORGE W. WEEKS, Monogram vice-prexy, and MEL HULLING, company's Western district sales manager, left Los Angeles Sunday night for a tour of Frisco, Portland and Seattle exchanges.

DOUGLAS FAIRBANKS, JR., accompanied by his wife, the former Mary Lee Epling Hartford, arrived in New York last night from Boston. Fairbanks will be guest of honor at the World's Fair tomorrow. The couple goes to Hot Springs, Va., for an extended vacation before returning to Hollywood.

GARY COOPER and his wife, the former Sandra Shaw, and their two-year-old daughter, Maria, arrived in New York from the Coast yesterday morning. Cooper plans to stay East for about six weeks.

CHARLES P. SKOURAS, Fox West Coast prexy, arrived in New York yesterday from Hollywood, accompanied by his assistant, ANDY KRAPP-MAN, and ARCH M. BOWLES, FWC's Northern California division manager.

ERIC GREENSPAN, circuit manager in England for Columbia, accompanied by his wife, the former Marie Carson, has arrived in New York from London.

A. H. BLANK of Des Moines, head of the Blank Circuit, is in New York.

MOE and SOL SIEGEL, Republic's production chiefs, arrived in New York yesterday and are stopping at the Essex House.

MAX ROTH, Mid-West district manager for Republic, IRVING MANDEL, Chicago, Milwaukee and Indianapolis franchise holder, and ROBERT WITHERS, of the Kansas City territory, arrive in New York this week on Republic business.

GEORGE RAFT, having just completed his starring role in Universal's "I Stole a Million," arrives here from the Coast this morning. After a short time here he plans to sail for Europe for a vacation.

JESSE L. LASKY has arrived in Hollywood from New York and Texas.

Clyde Tanner and Wife Killed In Plane Crash

Detroit—Clyde K. Tanner, formerly manager of the Broadway-Capitol Theater and assistant at the Michigan for United Detroit Theaters, and his wife, were killed in an airplane accident near their home in Douglas, Ga. He was an air pilot. Mrs. Tanner, the former Dorothy Downing, was pianist at the Michigan Theater and organist at various Detroit theaters.

Sherwood Going to Coast

Robert E. Sherwood, film writer and dramatist, who arrived in New York yesterday from Europe on the Queen Mary, declared that he plans to leave here for Hollywood on Thursday for conferences with RKO Radio studio officials regarding immediate shooting of "Abe Lincoln in Illinois."

Pix Names to Make P.A.'s at Golden Gate Exposition

San Francisco—Golden Gate Exposition General Manager Charles Strub announces that the following have been signed for P.A.'s: Betty Grable, Rubinoff and his violin, Jack Haley, Alec Templeton, Edgar Bergen and Charley McCarthy, Jack Benny and Mary Livingston, Dick Powell, and 3 Ritz Bros.

Universal Gets Rights to "The Green Hornet"

"The Green Hornet," Mutual Broadcasting program owned by King-Trendle Broadcasting Corp., headed by George W. Trendle, retiring president of United Detroit Theaters, will be made as a film by Universal. Decision on whether to produce it as a serial or as a feature has not been made.

WB'S BIGGEST YEAR IN ENGLAND--MILDER

(Continued from Page 1)

E. Morris, vice-president in charge of foreign distribution, who, with Joseph S. Hummel, general foreign sales manager for Warner Bros. Pictures, Inc., and Karl Marnald, supervisor for South America, for Warners, met Milder at the pier asserted that business in Continental Europe is also "very good."

Milder described his current visit as exclusively a vacation, and that he does not plan on business conferences.

He declared that "Confessions of a Nazi Spy," now in its fifth week at the Warner Theater, London, is piling up tremendous grosses in the U. K., and is the top drawing attraction of any feature to invade England in the past five years.

Apprised of former estimates that the film will grab a million-dollar gross in England, Milder said that it will do \$1,500,000.

Further, he denied any knowledge of "impending shifts" in WB foreign personnel, and said that trade reports along this line were without foundation, as far as he knows.

Mrs. Milder accompanied her husband to the U. S., and they will remain here several weeks. He said that he is not contemplating a trip to Burbank.

AFA Would Enjoin 4 A's; Court Hears Plea Today

(Continued from Page 1)

cating and setting aside decision of so-called Trial Board revoking the charter of AFA.

Resolution vacating the charter, Halprin states, is based solely on claim that AFA failed to exercise its jurisdiction and carry out orders of the National Board.

Injunction will be sought to restrain the interference with contracts obtained by AFA with various employers, which contracts have not expired, and interference by solicitation of AFA members.

Application, said Halprin, will be presented by him in Supreme Court today, and will be heard before Justice Edward J. McGoldrick.

Meanwhile the new American Guild of Variety Artists estimated that over the week-end it had enrolled more than 500 new actors, but Ralph Whitehead, AFA executive secretary, disputed the Guild's claim of success in organizing.

THE THEATRE

"A MUST GO ENJOY IT!"—
Walter Winchell
GYPSY ROSE LEE Comedy Farce
with Music
I MUST LOVE SOMEONE
with JAMES RENNIE—IRIS ADRIAN
Air-Conditioned and JACK WHITE
Vanderbilt, W. 48th St. Evs. 8:40
Mat. Wed. & Sat.

KUYKENDALL TO HEAD D OF C CONFAB GROUP

(Continued from Page 1)

Kendall, he said, include Oscar Lam, representing Southeastern Theater owners, Rome, Ga.; Lewen Pizor, UMPTO president, Philadelphia; Stanley Sumner, Cambridge, Mass.; Walter Vincent, New York, and Sidney East, Washington. Kuykendall said there may be one or two others added to his list to join in Thursday's conference. The MPTOA prexy left for New York last night but will return to Washington tomorrow.

Today Harry Brandt, ITOA head, is scheduled to meet Commerce Dept. bigwigs while tomorrow is being held open for Allied despite Abram F. Myers' dose of cold water on the confab idea last week. It is understood that officially Allied hasn't accepted or declined the Commerce Dept's bid for tomorrow.

Myers told THE FILM DAILY yesterday that Col. H. A. Cole, Allied national prexy, will arrive in Washington today and that he and Cole will then finally decide regarding the Commerce Dept. invitation. Indications are that at least Colonel Cole will attend for Allied now that

Earl Hudson Succeeds Trendle as Head of UDTC

(Continued from Page 1)

ly was an executive of First National Pictures and has been with UDT since 1934. Whether Hudson will fill the post permanently has not been decided.

Trendle's resignation as head of the Paramount affiliate becomes effective Aug. 1. Paramount accepted his resignation on July 7.

Variety Club for O. C.

Oklahoma City—Long discussed plans for formation of a local chapter of the Variety Clubs of America will be brought to definite action Aug. 2 when a group of leading state theater and radio men will meet at the Biltmore Hotel at the call of L. C. Griffith, general manager of the Griffith Amusement Co.



● ● ● PRIVATE preview performance of Samuel Goldwyn's "They Shall Have Music" at the Rivoli on Broadway.....on the evening of July 25.....for the benefit of the Greenwich House Music School and the High School of Music and Art.....the committee sponsoring the benefit includes Mayor LaGuardia, Mrs. Vincent Astor and Commissioner of Licenses Paul Moss.....the entire proceeds will go toward furthering musical education for underprivileged children.....this being the basic theme of the production, in which Jascha Heifetz makes his screen debut.....Mrs. Franklin D. Roosevelt and Samuel Goldwyn will attend the special preview.....

● ● ● TODAY is set aside as "Bob Hope Day" at the World's Fair.....an elaborate program has been scheduled which will take the Paramount comedian right through the day.....starting when a Scottish kiltie band and motor cavalcade sent by the World's Fair escorts him to the Administration building....there the honored guest will be received by Sir Louis Beale, in charge of the British exhibit, Bob being a native of London.....he will judge a beauty contest, be made an Indian chief, and otherwise be in the limelight to help the Fair, the British Flag, Paramount and Bob Hope.....

● ● ● FIRST annual golf tournament of the Detroit Variety Club will be held on Aug. 21.....at Knollwood Country Club.....over 100 prizes will be awarded.....the event is being managed by John Howard, local Paramount branch manager.....

● ● ● TEN top-budget pix will be placed in work during August, September and October by Warners.....it was decided after conferences between Jack L. Warner and Hal Wallis.....the tentative lineup is as follows: "The Sea Hawk," with Errol Flynn....."And It All Came True," with James Stewart, Ann Sheridan....."The Army, the Navy and the Girl," with Wayne Morris, Gale Page....."Beethoven," starring Paul Muni....."City of Iron Men," starring James Cagney....."The Fighting 69th," starring Pat O'Brien....."Forgive Us Our Trespasses," with Fay Bainter and Geraldine Fitzgerald....."Four Wives," with John Garfield and the Lane Sisters....."Gusher," starring Edward G. Robinson....."The Patent Leather Kid," starring George Raft.

● ● ● WHILE the boss was away on vacation.....the employees of the Albuquerque (New Mexico) Theaters decided to roll up a banner week of business.....the theater patrons responded wholeheartedly to the efforts of the 92 employees.....the result was that when Chief Arthur Esberg returned from his holiday, he found a 20 per cent increase in the B.O. receipts over any week of last Summer.....

● ● ● FILM patrons in a Newark suburban house are getting a big kick out of one of the slides being run off along with the fire exit diagram.....the manager dug through his storage trunk and found an old one which reads: "Ladies will please remove their hats during the performance".....some patrons had registered squawks against those bird-cage and flower-pot head adornments of the femmes.....

LESSER, LURIE WILL FORM NEW COMPANY

(Continued from Page 1)

in capital of \$1,000,000, with Lesser and Louis Lurie, local capitalist, each contributing half, it was disclosed yesterday.

Name for the new company has not as yet been chosen, it was stated. Discussing the setup, Lesser said that the corporation would acquire a 50 per cent interest in Ernest Lubitsch Corp. Lubitsch will direct two of the four pix which the Lesser-Lurie company will contribute to UA annually.

Frank Craven will star in the first, a film version of "Our Town," Thornton Wilder's Pulitzer prize play, to be made in Technicolor.

New corporation will have Lesser as prexy, Lurie as vice-prexy and treasurer.

French Pictures Gaining Favor in Cuba—Weiner

(Continued from Page 1)

yesterday that a number of German producers, who fled from Berlin for political reasons, have gone to France where they are turning out quality product. These pictures, he said, are well liked by the Cubans and offer the only competition to American productions.

Efforts to make pictures in Cuba have not been successful, although approximately a dozen will be produced there this year. The only company which has had any measure of success in the production field, Weiner said, is Compania Peliculas which already has turned out six pictures since the first of the year. However, the Cuban-made pictures get very little playing time outside of Cuba, he added.

A proposal to increase the tax on the distributors' gross receipts is now before the Cuban legislature. The film companies, Weiner explained, now pay a tax of 1½ per cent per month on the gross business, in addition to a 3 per cent yearly tax. The proposed law would boost the yearly tax to 5 per cent, which would be collected in addition to the monthly 1½ per cent levy, making a total of 6½ per cent on the distributors' gross business.

Business in Cuba has shown a decline during the last year, but Weiner said that a slump usually occurs before elections which come up this year.

Broder Forms New Firm

Detroit—Jack Broder, owner of the Rainbo Theater, has incorporated the Time Theater Co., with a capitalization of \$50,000, and himself as sole stockholder.

Analysis Tomorrow

Nineteenth installment of the analysis of the Trade Practice Code by Louis Nizer, originally scheduled for today, will appear in tomorrow's FILM DAILY.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 18
Richard Dix
Gene Lockhart
Arthur A. Lee
Lupe Velez
Charles A. Stimson

RE

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OF T

EACH DAY

WARNERS MADE IT! WARNERS MADE IT!

Screen Play by Norman Reilly Roine & Warren Duff • With **JANE BRYAN**

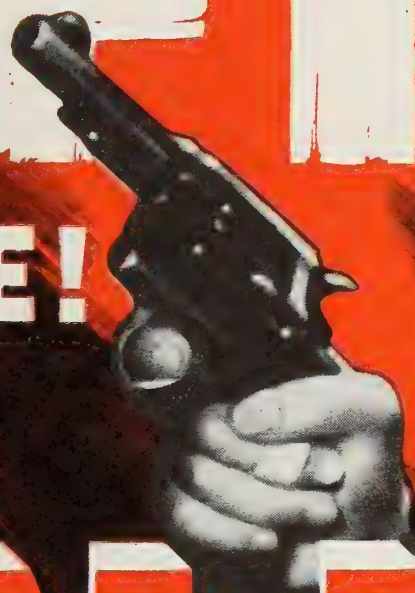
Directed by **WM. KEIGHLEY** • **JACK L. WARNER** in Charge of Production

MAGNIFY

MEETS A

MAFIA

ROUBLE!



WON'T DIE

WARNERS MADE IT! WARNERS MADE IT!

EO. BANCROFT • From the Novel by Jerome Odlum • A First Nat'l Picture

HAL B. WALLIS, Executive Producer • DAVID LEWIS, Associate Producer

Senate Okays Neely Bill; No House Action at Session

Measure Passes Lower Chamber, 46 - 28; Called Unconstitutional

(Continued from Page 1)

sponsored by Sen. Matthew M. Neely, D., W. Va., by Sen. William H. King, D., Utah. Party lines were broken in both the debate and the balloting.

Viva Voce Vote Indecisive

Result of the vote was in doubt momentarily when at the conclusion of King's remarks, the clerk read the bill again and a voice vote was ordered. Yeas and nays appeared about evenly divided on the first show of hands and the clerk asked for a repeat vote. This time the nays appeared to have a slight majority, but the result was too doubtful to be accepted. To settle the issue definitely, Senators Barkley and Harrison requested a record vote and the roll was called. As the voting proceeded it was apparent that the proponents were carrying the vote, but the opponents showed unexpected strength. (When the bill passed the Senate on May 17, 1938, it was by voice vote, with only six negatives said identifiable).

Capper Urged Passage

King was preceded by Sen. Arthur Capper, R., Kans., who urged passage, asserting that the bill would "do no harm and much good." King blasted the measure as not only unconstitutional but "full of objections which, it seems to me, not only justify but require an adverse vote." He assailed the amendments offered by Neely on Friday, which were adopted into the bill, as not answering the objections made by the opponents.

King said there are more than 100 independent producers whose pix go into the market. Neely replied that C. C. Pettijohn of the MPPDA had admitted at the hearings that the "big eight" control 85 per cent of all pictures produced. "I deny that there is a trust," King retorted, adding the indie producers "find in all parts of the U. S. opportunities for the disposition of the films they produce."

"Too Inexplicit," Said King

Following the line of argument advanced Friday by Sen. Wallace H. White, Jr., R., Me., the Senior Utah senator declared the provisions of the bill were too inexplicit for a criminal statute. "The Department of Justice alleges that the practice of block-booking suppresses competition. The industry denies it," King declared. "In the absence of sufficient proof on one side or the other—and by proof I mean something more definite than the statement of conclusions by the proponents of the bill or any of the witnesses appearing in behalf of the bill—I am not willing to pass judgment upon a matter that is now

(Continued in Col. 4 this Page)

Text of Amended Neely Measure

Washington Bureau of THE FILM DAILY
Washington — Text of the Neely measure, as amended and passed by the Senate yesterday, follows:

A BILL

To prohibit and to prevent the trade practices known as "compulsory block-booking" and "blind-selling" in the leasing of motion-picture films in interstate and foreign commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the methods of distribution of motion-picture films in commerce whereby (a) exhibitors are required to lease all or a specified number of an offered group of films in order to obtain any individual desired film or films in the group, a trade practice sometimes known as "compulsory block-booking," and (b) films are leased before they are produced and without opportunity for the exhibitor to ascertain the content of such films, a trade practice sometimes known as "blind-selling," are hereby declared to be contrary to public policy in that such practices interfere with the free and informed selection of films on the part of exhibitors and prevent the people of the several States and the local communities thereof from influencing such selection in the best interests of the public, and tend to create a monopoly in the production, distribution, and exhibition of films. The Congress finds and declares that such methods and practices adversely affect and constitute a burden upon commerce, and it is the purpose of this Act to prohibit and to prevent such methods and practices in commerce.

Sec. 2. For the purposes of this Act, unless the context otherwise requires—

(1) The term "motion-picture film" or "film" means all motion-picture films (whether copyrighted or uncopyrighted), including positive and negative prints, and copies or reproductions of such prints, which films contain photoplays or other subjects and are produced for public exhibition: Provided, That the term shall not include films commonly known as "newsreels" or other films containing picturizations of news events, or short subjects of two thousand feet or less in length.

(2) The term "to lease" includes the making of a license agreement, contract, or any type of agreement whereby a film, the distribution of which is controlled by one of the parties, is to be supplied to and exhibited in a theater owned, controlled, or operated by the other party.

(3) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(4) The term "distributor" includes any person who engages or contracts to engage in the distribution of motion-picture films.

(5) The term "exhibitor" includes any person who engages or contracts to engage in the exhibition of motion-picture films.

(6) The term "commerce" means commerce between any State, Territory, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or the District of Columbia, but through any place outside thereof; or within any Territory or the District of Columbia.

For the purposes of this Act (but in no wise limiting the definition of commerce) a transaction in respect of any film shall be considered to be in commerce if the film is part of that current of commerce usual in the motion picture industry whereby films are produced in one State, leased for exhibition in other States, and distributed to them through local exchanges in the several States, the films circulating from the exchanges and between the various exhibitors. Films normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph, the word "State" includes Territory, the District of Columbia, and foreign country.

(7) The terms "aggregate price" and "price" as used in section 3 (1) shall mean the aggregate of all flat rentals, and of all rentals based upon a percentage of prospective receipts together with any other consideration named in the lease or offer to lease.

Sec. 3. (1) It shall be unlawful for any distributor of motion picture films in commerce to lease or offer to lease for public exhibition films in a block or group of two or more films and to require the exhibitor to lease all such films or permit him to lease none; or to lease or offer to lease for public exhibition films in a block or group of two or more at an aggregate price for the entire block or group and at separate and several prices for separate and several films, or for a number or numbers thereof less than the total number, which aggregate price and separate and several prices shall bear to each other such relation (a) as to operate as an unreasonable restraint upon the freedom of an exhibitor to select and lease for use and exhibition only such film or films of such block or group as he may desire and prefer to procure for exhibition, or (b) as tends to require an exhibitor to lease such entire block or group or forego the lease of any number or numbers thereof, or (c) that the effect of the lease or offer to lease of such films may be substantially to lessen competition or tend to create a monopoly in the production, distribution, and exhibition of films; or to lease or offer to lease for public exhibition films in any other manner or by any other means the effect of which would be to defeat the purpose of this Act.

Sec. 4. It shall be unlawful for any distributor of motion picture films in commerce to lease or offer to lease for public exhibition any motion picture film or films over two thousand feet in length unless such distributor shall furnish the exhibitor at or before the time of making such lease or offer to lease an accurate synopsis of the contents of such film. Such synopsis shall be made a part of the lease and shall include (a) a general outline of the story and descriptions of the principal characters, and (b) a statement describing the manner of treatment of dialogs concerning and scenes depicting vice, crime, or suggestive of sexual passion. It is the purpose of this section to make available to the exhibitor sufficient information concerning the type and contents of the film and the manner of treatment of questionable subject matter to enable him to determine whether he wishes to select the film for exhibition and later to determine whether the film is fairly described by the synopsis.

Sec. 5. (1) Every person who violates section 3, or who fails to furnish the synopsis required by section 4, or knowingly makes any false statement in such synopsis, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not exceeding \$5,000 or by imprisonment for not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

(2) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this Act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

Sec. 6. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

Sec. 7. This Act shall become effective 12 months after its enactment.

Senator King of Utah Led Fight Against the Measure

(Continued from Col. 1 this Page)

pending determination before the courts of the country."

Distribution Costs 26 P.C. of Gross
Present distribution method cost about 26 per cent of the gross receipts, King said, adding that under the Neely bill, many producers would go bankrupt.

"If this measure shall be enacted into law its effects will be so deleterious, so devastating, that many will be thrown out of employment," he declared. He referred also to the letter received by Majority Leader Barkley from William Green, president of the American Federation of Labor opposing the bill on those grounds.

Neely introduced into the record a memorandum from Abram F. Myers, chairman of the board of Allied answering objections made to the Bill by White last Friday.

Record vote on the bill was as follows:

Yeas: Andrews (D. Fla.); Bank-Borah (R. Idaho); Bulow (D. S. D.); Byrd (D. Va.); Byrnes (D. S. Car.); Capper (R. Kans.); Chah-head (D. Ala.); Barbour (R. N. J.); Bilbo (D. Miss.); Bone (D. Wash.); ves (D. N. Mex.); Hanaher (R. Conn.); Davis (R. Pa.); Donahey (D. Ohio); Frazier (R. N. D.); Gerry (D. R. I.); Gillette (D. Iowa); Greene (D. R. I.); Guffey (D. Pa.); Hayden (D. Pa.); Hayden, (D. Arz.); Hill (D. Ala.); Holman (R. Ore.); Hughes (D. Del.); Johnson (D. Colo.); LaFollette (Prog. Wis.); Lee (D. Okla.); Lundeen (F. L., N. D.); McKellar (D. Tenn.); Minton (D. Ind.); Murray (D. Mont.); Neely (D. W. Vir.); Norris (Ind. Neb.); Pittman (D. Nev.); Reed (R. Kans.); Schwartz (D. Wyo.); Schwellenbach (D. Wash.); Shepard (D. Tex.); Shipstead (F. L., Minn.); Stewart (D. Tenn.); Thomas (D. Okla.); Thomas (D. Utah); Truman (D. Mo.); Tydings (D. Md.); Walsh (D. Mass.); Wheeler (D. Mont.).

Nays: Adams (D. Colo.); Ashurst (D. Ariz.); Barkley (D. Ky.); S. D.); Hale (R. Me.); Harrison (D. Miss.); Johnson (R. Calif.); King Bridges (R. N. H.); Burke (D. Neb.); Clark (D. Mo.); Downey (D. Calif.); Ellender (D. La.); Gibson (R. Vt.); Glass (D. Vir.); Gurney (R. D. Utah); Logan (D. Ky.); Lucas (D. Ill.); Miller (D. Ark.); Nye (R. N. D.); Overton (D. La.); Pepper (D. Fla.); Radcliffe (D. Md.); Russell (D. Ga.); Slattery (D. Ill.); Taft (R. Ohio); Townsend (R. Del.); Van Nuys (D. Ind.); White (R. Me.).

Gulf Renews Guild Air Show

Hollywood—Gulf Oil Corp. has renewed the Screen Guild Show over the Columbia network with second series to start Sept. 24. Leading screen players will again donate their services, and sponsor will donate \$10,000 weekly to the fund.

ADVOCATE ANTI-TRUST PROCEDURE CHANGES

(Continued from Page 1)
recommends legislation providing for:

1. Amendment of the Clayton anti-trust act to prohibit one corporation from acquiring the assets as well as the stock of a competitor.
2. Civil remedies for enforcement of the anti-trust laws. (Legislation providing for the latter has already been introduced by Senator O'Mahoney, TNEC chairman, as exclusively reported in THE FILM DAILY on June 30).
3. Fundamental procedural changes to speed patent law litigation.
4. Prohibitions upon patent use for trade restraint.

The so-called monopoly committee reported that the sole civil remedy available to the Department of Justice worth mentioning was an action in equity to enjoin a violation or threatened violation of the anti-trust laws. Although such action was often useful in certain cases, the committee found it to be useless as a preventive.

Two Main Results Forecast
"Additional civil remedies should produce these two main results, a substantial strengthening of anti-trust enforcement, and fairer enforcement of those laws, more realistically adjusted to the nature of the problem," the report continued. The report suggested that violators of the anti-trust laws be treated as "a kind of tort against the national economy and the general public interest," and the government be empowered to bring action in such cases. The violation of the anti-trust laws would make the offending corporation forfeit to the United States a sum equal to twice its total net income during the period of the violation, while the individual officer of the corporation would forfeit a sum to the government which would be twice his compensation during the same period.

Bad Risk for Firms, Officers
"In short," the report said, "these provisions are designed to make a violation of the anti-trust laws a very bad business risk both for the company and for its responsible officers and directors."

O'Mahoney, explained that such a provision would tend to make the anti-trust laws "self enforcing."

The D of J has been forced to resort to criminal proceedings as its normal procedure against violations of the anti-trust laws, the report continued, but such procedure has not proved entirely satisfactory.

The report said that because of the type of business man usually involved it had proved practically impossible for the department to obtain convictions, and as the fine did not seem to matter in most cases, it

Neely Support Gratifies Abram F. Myers; Kuykendall Sees the Little Fellow Hurt

Washington—After all, the votes talk—that's all I'm interested in," commented Abram F. Myers, Allied Board chairman and general counsel, after the Neely Bill passed the Senate. He added: "We are very much gratified by the co-operation of our friends in the Senate."
Said the other exhibitor leader, Prexy Ed Kuykendall of the MPTOA: "The vote speaks for itself, but the bill will hurt the little fellow in the business rather than the circuits or the powerful."

FWC Execs. Here to Talk Republic Product Deal

(Continued from Page 1)
their purpose the booking of Republic product by the circuit for the 1939-40 season.
Deal's foundations, following yesterday's arrival in New York of Charles P. Skouras, FWC prexy, who was accompanied by Andy Krappman, his assistant, and Arch M. Bowles, northern California division manager for FWC, presage a closing, since Republic's high officials are all in New York at present, James R. Grainger, producing company's prexy having returned to his desk yesterday.

This week's roster of incoming Republic organization men, including J. T. Sheffield, Northwest franchise holder, and Grover C. Parsons, is held additional evidence that pact is set for closing.

Moe Siegel and Sol Siegel, Republic production heads also arrived here yesterday, ostensibly to line up the next two months studio schedule prior to Herbert J. Yates' departure for England. The Siegels, however, are also prepared, it is understood, to give Yates their views on the Screen Directors Guild situation. What stand Republic will take is at stake in the confabs locally, it is reported.

Other Republic arrivals this week are Max Roth, Midwest district manager; Irving Mandel, Chicago, Milwaukee and Indianapolis franchise holder; and Robert Withers of the Kansas City territory.

Sales Managers to Resume Pix Code Talks This Week

(Continued from Page 1)
though no date has been set. It is understood that the sales heads are considering a number of new proposals for arbitration board setups, one of which would give the affiliated theaters and the distributors a one-half vote each, against one vote by an independent theater arbitrator and one vote by a neutral member.

was the indictment which proved to be the real punishment.

Changes in the patent laws recommended by the committee would be covered in 13 amendments, seven of which relate to procedure and six to assuring the "legitimate use" of patents.

Of the first seven amendments, five have already passed the House and are pending before the Senate, while the remaining two have been reported by the Senate committee on patents.

Would Fill RKO's Board; Hear Petition Thursday

(Continued from Page 1)
only four remain, of whom Gen. James G. Harbord and Lunsford P. Yandell will continue as directors of the new company when formed.
It is important, the petition continued, that the vacancies be immediately filled by those persons selected. Article seven of the certificate of incorporation of the present RKO company requires that vacancies be filled by the board of directors regardless of whether a quorum is present at a meeting. If the vacancies are filled by persons who will act as directors of the new company, it will serve to give them an opportunity to familiarize themselves with the affairs of the company and at the same time give the Irving Trust Co. the benefit of their advice with respect to the operation of the business, it is further stated.
The petition, which was signed by A. Christenson as vice-president, stated that the decision of the Circuit Court on the appeals from the reorg. plan now before it, would not affect the advisability of the move. Directors, once qualified, it said, will be able to advise on the moves to be taken after the decision has been rendered and as a group, representative of stockholders and creditors interests, could take the steps "necessary or appropriate under the circumstances."

Frankfort Trust Action Accuses Seven Majors

Frankfort, Ky.—Charging conspiracy and restraint of trade, Harry Schwartz and George Myers, owners of The New Theater, have brought suit for \$75,000 against seven major film companies and the Frankfort Amusement Co., operating four theaters in Frankfort. Suit alleges conspiracy between the amusement company and the distributors in allowing first, second and third-run films to be distributed to the amusement company only, and not to the plaintiffs.

Defendants are: 20th-Fox, Republic, of Ohio; Loew's Inc., M-G-M of Texas, Irving Trust Co., of New York trustee for RKO, Paramount, United Artists, and W. J. Hulette, Frankfort; Sam Lee, Lexington, and Ethel Sparks, Winchester, president, vice-pres., and secretary of the Amusement Co.

E. R. Schremser Dead

Detroit—Edward R. Schremser, 78, who had directed orchestras in nearly all Detroit theaters, died at the home of his son in Ann Arbor.

«REVIEWS»

"Each Dawn I Die"

with James Cagney, George Raft

Warners

92 Mins.

POWERFUL PRISON DRAMA GIVES
CAGNEY AND RAFT STRONG ROLES.

This prison drama is distinguished by a strong and logical story that gives James Cagney and George Raft opportunities to go to town with some heavy dramatics. Both acquit themselves impressively. Cagney is a reporter in the big town who gets a story for his paper showing that the district attorney is involved in a construction scandal. So he is railroaded on a drunken driver charge, after he is slugged in his car, a whiskey bottle spilled and the car sent rolling. It crashes into another car, and three people are killed. In the pen, which is a tough one with a hardboiled bunch of officers, Cagney meets Raft, a big racketeer up for life. Raft plans with Cagney to take the rap for a prison killing so he can get tried in the county courthouse, where his powerful mob can free him. Cagney's part is to squeal on Raft as the killer. The plan works, and the idea is that on the outside the big shot can run down the man who framed Cagney. But Raft gets sore when Cagney's paper tipped off by their prison reporter is all set in the courtroom to get the photos of the break, which is cleverly engineered by having Raft jump through a window to the street below, right through the canvas top of a truck that is there to break his fall, also a getaway car. So Cagney languishes in the solitary cell, where he is being disciplined for his part in the outside "break" of the big shot lifer. Then Jane Bryan, sweetheart of Cagney, goes to work on George Bancroft, the humane warden, and also on the hardboiled Raft. She convinces the latter that Cagney did not cross him up just for a newspaper story, and that he is taking the rap in jail and keeping his mouth shut. Then Raft does the big sacrifice act in an abortive jail break he engineers, when he learns that the man who framed Cagney is an old enemy of his now languishing in the jail from which he escaped. The big shot criminal goes back to jail just to get his man, and pay his debt to Cagney. The confession is highly meller, with the National Guard throwing hand grenades at the locked room as Raft wrings the truth from the guilty prisoner so the warden can hear it. Raft dies with his victim as they make a last desperate break. Cagney has several strong dramatic scenes, and the prison atmosphere and the psychology of the desperate prisoners is impressively handled. Selling angles: great work of Cagney and Raft; thrills of the prison break.

CAST: James Cagney, George Raft, Jane Bryan, George Bancroft, Maxie Rosenbloom, Stanley Ridges, Alan Baxter, Victor Jory, John Wray, Edward Pawley, Willard Robertson, Emma Dunn, Paul Hurst, Louis Jean Heydt, Joe Downing, Thurston Hall.

CREDITS: Director, William Keighley; Author, Jerome Odum; Screenplay, Norman Reilly Raine, Warren Duff, Charles Perry; Cameraman, Arthur Edson; Editor, Thomas Richards.

DIRECTION, Excellent. **PHOTOGRAPHY,** Fine.

**In 22 key cities
"Second Fiddle" has
beaten the follow-
ing 20th Century-
Fox Pictures of this
season:**

KENTUCKY • MY LUCKY STAR

ALEXANDER GRAHAM BELL

SUEZ • SUBMARINE PATROL

ROSE OF WASHINGTON SQUARE

THE LITTLE PRINCESS

YOUNG MR. LINCOLN



**THE KEYSTONE
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Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 12

NEW YORK, WEDNESDAY, JULY 19, 1939

TEN CENTS

D of J "Civil Remedies" Plan to Face Congress Fight COURT SPURNS RKO APPEALS, OKAYS REORG. PLAN Brandt Discusses Industry Problems with D of C Men

ITOA Chief Gives Opinions
But Officials Decline
To Reveal Details

By MILTON F. LUNCH

Washington Bureau of THE FILM DAILY
Washington—The general problems facing the exhibitors and the industry were presented to Commerce Department officials yesterday by Harry Brandt, president of ITOA of New York. Brandt was accompanied by Lionel Toll, editor of the ITOA house organ. The ITOA representatives met with Dr. Willard L. Thorp, E. A. Tupper and Nathan D. Golden representing the Commerce Department.

At the conclusion of a three hour
(Continued on Page 3)

STUDIO PUBLICISTS NAME JUBILEE COM.

West Coast Bureau of THE FILM DAILY

Hollywood—A committee consisting of Gabe Yorke, Howard Strickling, Nat Dyches, Terry De Lapp, Irving Rubine and John P. Miles was named yesterday at a meeting of studio publicity executives to coordinate plans and ideas in connection with the Golden Jubilee of the motion picture industry.

Ohio Court Refuses Defense Substitution In Pix Tax Suit

Columbus, O.—The Franklin County Court of Appeals refused petitions of ITO and MPPDA counsel to name Universal Cleveland Theaters, Inc., and Exhibitor Frank J. Ferguson as substitute defendants
(Continued on Page 4)

Fe-Fi-Fo-Fum

Spokane, Wash.—Monopolistic control of biz "which destroyed Greece and the Roman Empire and brought dictatorships to Germany and Russia, threatens destruction now for the U. S.," according to Charles L. March, FTC chairman.

Majors' Sales Heads Meet Friday on Code; Kuykendall to Confer With W. F. Rodgers

Next meeting of major sales managers for the purpose of discussing revisions of the arbitration clauses has been scheduled for Friday. W. F. Rodgers, spokesman for the distributors, and Ed Kuykendall, MPTOA president, are to huddle on the subject. Kuykendall said yesterday he may issue a statement after he talks with Rodgers.

FRISCO IN OCTOBER FOR MPTOA MEETING?

The MPTOA probably will hold its annual convention in San Francisco in October, President Ed Kuykendall said in New York yesterday. He expects to have the issue decided before he leaves within the next few days.

Fair's Hot Dog Giveaways Has N. Y. Exhibs. Wondering

Announcement by the World's Fair that it would include \$2.25 worth of Fair events, including the admission price, for \$1 this weekend did not arouse much comment among the Broadway managers. One top exec. said the plan was a radical departure from policy, inasmuch as show business always found it wise to charge higher prices on week-ends.

"After spending millions on their
(Continued on Page 4)

See Gov't Change in Policy as Key to Pix Industry Code Indifference

Elsa Maxwell Pix Will Be 20th Cent.-Fox's First

For the first quarter of the new pix season, which begins next month, 20th-Fox yesterday announced the definite release dates for 13 pix.

Four releases are listed for August. They are "Elsa Maxwell's Hotel for Women," 4; Jane Withers in
(Continued on Page 17)

CREDIT "HOME FOLKS" WITH NEELY VICTORY

Women's clubs, Parent-Teachers associations and civic groups were given full credit yesterday for the passage in the Senate of the Neely Bill. Industry leaders, of both the exhibition and distribution ranks, contended that advocates of the measure concentrated their lobbying in the communities rather than in Washington, thereby bringing pres-
(Continued on Page 3)

Philly Allied Regional in Squawk on Pix Prices

Harrisburg, Pa.—First in a series of regional meetings was held here yesterday by Allied Independent Theaters Owners of Eastern Pennsylvania, with discussions centering on trade practices and industry evils.

Film demands of all exchanges
(Continued on Page 4)

Atlas Counsel to Proceed with Consummation; Cassel Will Fight

U. S. Circuit Court of Appeals in a 14-page decision written by Circuit Judge Robert P. Patterson handed



FLOYD B. ODLUM

down yesterday affirmed in all respects the decision of Federal Judge William Bondy which had approved and confirmed the plan of reorganization of RKO Corp.,

and held that the plan was both
(Continued on Page 20)

EIGHT MAJORS NAMED IN TEXAS TRUST SUIT

Houston—Joy Amusement Co. has filed a Sherman anti-trust suit in
(Continued on Page 4)

"Beau Geste"

West Coast Bur., THE FILM DAILY

Hollywood—Percival Wren's novel of three courageous, devoted brothers has been picturized with telling effect under the direction of William A. Wellman who also produces. Solendid performances are turned in by Gary Cooper, Ray Milland and Robert Preston as the brothers, Bryan Donlevy as the cruel and vicious sergeant who leads his greatly outnumbered men in defense of a desert fort against the Arabs. Others who do very good work are J. Carroll Naish, Albert Dekker, James Stephenson, Henry Huber, Harvey Stephens, and Susan Hayward, a newcomer who is decorative and capable as the love interest opposite Milland. The battle scene in which Donlevy's small band of Foreign Legionnaires withstand four attacks made by the Arabs are among the most exciting ever screened. Robert Carson supplied a gripping screen play and excellent dialogue.
—WILK

Washington Bureau of THE FILM DAILY

Washington — The D of J "civil remedies" plan to bolster anti-trust law enforcement, embodied in the TNEC - recommended O'Mahoney measure, will encounter strenuous Congressional opposition with a showdown in prospect at the next session, it was indicated on Capitol Hill yesterday.

Opponents lining up against the
(Continued on Page 17)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 12 Wed., July 19, 1939 10 Cents

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	14 1/4	14 1/4	14 1/4	+ 7/8
Col. Picts. vtc. (2 1/2%)	10 3/8	10 1/4	10 1/4	- 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11 3/8	11 1/8	11 1/4	+ 1/8
East. Kodak	170 1/2	169 1/2	170 1/2	+ 2
do pfd.				
Gen. Th. Eq.	11 7/8	11 5/8	11 7/8	+ 1/8
Loew's, Inc.	45 3/8	45 3/8	45 3/4	+ 3/8
do pfd.				
Paramount	10 7/8	9 3/4	10	
Paramount 1st pfd.	95 3/8	95 3/8	95 3/8	- 1/8
Paramount 2nd pfd.	10 7/8	10 3/8	10 3/4	- 1/4
Pathe Film	10 3/4	10 1/4	10 1/4	- 1/4
RKO	2 1/4	1 7/8	2 1/4	+ 1/2
20th Century-Fox	21 1/4	20 3/8	20 7/8	+ 1/8
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	5 1/4	5 1/8	5 1/8	- 1/4
do pfd.	51 1/8	51 1/8	51 1/8	- 7/8

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	99 3/4	99 3/4	99 3/4	
Loew's deb. 3 1/2s46	103 1/4	102 3/4	103 1/4	- 1/8
Para. B'way 3s55	52	52	52	
Para. Picts. 6s55	100 1/8	100 1/8	100 1/8	- 1/16
Para. Picts. cv. 3 1/4s47	90 1/4	89 1/2	90	+ 1/2
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. dbs. 6s48	90 1/4	90	90	- 1/4

NEW YORK CURB MARKET

Monogram Picts.	1 3/4	1 3/4	1 3/4	+ 1/4
Sonotone Corp.				
Technicolor	16 1/2	16 1/4	16 1/2	+ 7/8
Universal Corp. vtc.	3 1/2	3 1/2	3 1/2	
Universal Picts.				

Landis Suit Hearing Off

Philadelphia — Scheduled hearing today in the Landis theater (Vine-land, N. J.) action against the majors and Warners and affiliates will go over until next Tuesday.

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SECURITY

COMING AND GOING

SAM E. MORRIS, Warner vice-prexy, sails from New York July 28 for South America to hold sales conventions in Rio de Janeiro and Buenos Aires, and to confer with S. A. exhibs. on forthcoming big pictures from the company.

DONALD CRISP sails from New York today on the President Roosevelt for an extended vacation abroad. Warners gave him a three months' leave of absence after completing his role in "The Lady and the Knight."

F. J. A. MCCARTHY, Universal exec., is visiting in Atlanta and New Orleans. He returns to the h.o. on Monday.

JOSEPH BERNHARD, general manager of Warner theaters, returned yesterday from Hollywood.

JAMES PETRILLO, prexy of the Chicago Musicians' Union, has returned to Chicago after attending the New York World's Fair.

LILY PONS, prima donna, and her husband, ANDRE KOSTELANETZ, orchestra leader, have arrived in New York from their home at Silver Mine, Conn., and are stopping at the Waldorf-Astoria.

BILL HEBERT, publicity director for Selznick International, has returned to the Coast studios after three weeks' conferences with UA execs. on "Intermezzo" and with M-G-M officials on "Gone With the Wind."

WILLIAM J. CUSACK, lieutenant in the Chicago police department, has resigned and goes to Hollywood to join the Paramount studio staff in an advisory capacity.

HANK LINET of Universal's publicity department, goes to Scranton tomorrow.

PERRY HOFFLER, general manager of Great States Theaters in Quincy, Ill., has returned to his post after a Summer vacation at Grand Marais, Minn.

FRANK McNELIS, former editor of New Movie Magazine, has returned to New York after a six weeks' tour of the country.

SAM RACKETT, business agent of the Chicago Musicians' Union, is on a vacation in the North Woods.

I. ROBERT BRODER, New York film attorney, has left Los Angeles for a tour of Canada. He will return to New York around Aug. 1.

Interstate, Robb & Rowley Talk Dallas House Swap

Dallas — Interstate Circuit, Inc. and Robb & Rowley Theaters are negotiating a swap of some houses in Dallas. If the deal is consummated, Interstate will acquire the Mirror and Robb & Rowley Theaters will get the Astor and Bison, two nabes.

The Mirror is the only downtown theater playing first-run pictures that is not controlled by Interstate. It plays first-run pictures intermittently when pictures are available, at other times it plays duals.

FWC Cuts Prices 20 P.C. In San Francisco Spots

San Francisco — Almost all San Francisco-Oakland circuits have put reduced summer admission rates into effect. FWC theaters have cut prices approximately 20 per cent. In Oakland-East Bay theaters, FWC is giving away \$750 weekly in special cash night events, for four weeks.

Meanwhile, the RKO Golden Gate Theater is playing to capacity houses at regular rates with bands and pix star P.A.'s.

PETER COLLI, Warner supervisor for Cuba, Mexico, Panama, Peru and Central America, leaves tomorrow for his headquarters in Havana, following conferences here with Sam E. Morris.

TAMARA, singing star of "Leave It to Me," sailed for Europe yesterday on the Queen Mary.

ORSON WELLES and JOHN HOUSEMAN of the Mercury Theater are en route to Hollywood on a one-picture contract with RKO.

F. G. PLANAS, Warner manager for Puerto Rico, has returned to his post after a week of home office conferences.

MAXWELL ANDERSON, playwright who is in Hollywood working on a musical version of "Aeneas Africanus" for the films, has delayed his return to New York until mid-August. KURT WEILL, the composer, also working on the film, is due to return here late this month.

HELEN GAHAGAN, stage and screen player, arrived from the West yesterday and will appear in "Tonight or Never" with the Spring Lake Beach (N. J.) players on July 26.

VICTOR MOORE, actor, left yesterday for two weeks' fishing trip to Fredericton, N. B.

NEAL HUMPHREY of the British Colonial Film Exchange in Trinidad, and LIONEL SOODEEN of the Roodal circuit, Trinidad, were callers at Warners' World's Fair headquarters.

P. T. DANA, Midwestern district manager for Universal, is in New York for home office conferences.

ETHEL PEPPER of the staff of the N. Y. League of Theaters returns tomorrow from a European trip.

MAY ROBSON has returned to the Coast from New York.

M. A. LIGHTMAN, manager of the Malco circuit, Memphis, has returned there from a trip to Hollywood studios.

NINO MARTINI has returned to the Coast after a New York visit.

JACK HALEY has returned to Hollywood from New York.

MAT O'BRIEN, Hal Roach treasurer, has returned to the Coast from a New York business trip.

Rep. Sets Product Deals With New Eng. Circuits

Further deals for its 1939-40 product have just been concluded by Republic, the home office announced yesterday.

Pacts involve Interstate Theaters Circuit, Boston, operating 32 theaters in New England, and Maine and New Hampshire Theaters Circuit, operating 21 houses in the New England territory.

James R. Grainger, Republic's president and general manager in charge of distribution; Herman Rifkin, New England franchise holder; and E. Morey, Boston office manager, negotiated the deals.

Williamsburg Premiere for "The Bill of Rights"

Warners has set July 31 for the world premiere of "The Bill of Rights," historical featurette, at Williamsburg, Va., where the historical document was signed. Crane Wilbur, who has written and directed many of its historical films and John Litel, who has appeared in various of them, will attend.

"Bill of Rights" will be given its Broadway premiere at the Radio City Music Hall early in August.

Welles Agreement to Call for Pix Annually for RK

Orson Welles and RKO Radio have reached an agreement in principle whereby Welles will produce one picture a year for RKO release. Contracts are now in the hands of attorneys who reportedly are putting the finishing touches to the agreement.

Under the proposed plan, Welles will produce his product independently under the Mercury Theater banner. He is due to arrive in Hollywood tomorrow for conferences with cameramen and technicians. He is accompanied by John Houseman, co-head of the Mercury group.

First story has not been determined but it is understood that Welles has several under consideration.

Herbert Drake, who for the last nine years has been with the New York Herald Tribune drama department, joins the Mercury Theater on Aug. 1 in a general managerial capacity, acting as a co-ordinator of the Mercury enterprises.

Mono. Albany Exchange Opened by Harry Berkson

Albany — Harry Berkson, Monogram franchise holder in Buffalo, has opened a Monogram exchange here at 1076 Broadway. Local office will be under Berkson's supervision with Gene Lowe and Sam Milbery as salesmen.

Mitchell Pantzer, booker in Buffalo, is being shifted to Albany. Howard McPherson replaces Pantzer at the Buffalo office.

Chicago — Henri Elman's Monogram exchange here is now housed in its new home at 1248 S. Wabash Ave.

10 Weeks of Vaude Time Looming In Minnesota

Minneapolis — Ten weeks of playing time will be offered vaudeville acts under a plan being completed by Minnesota Amusement Co. John Branton, circuit booker, schedules five acts to play combination shows in key spots outside of Minneapolis, St. Paul and Duluth, with inaugural set for Oct. 4. Northwest indie houses, not competing with MAC, will be offered the flesh shows for additional time.

THE THEATRE

"A MUST GO ENJOY IT!"
Walter Winchell
GYPSY ROSE LEE Comedy Farce
with Music
I MUST LOVE SOMEONE
with JAMES RENNIE-IRIS ADRIAN
Air-Conditioned and JACK WHITE
Vanderbilt, W. 48th St. Evs. 8:40
Mat. Wed. & Sat.

CREDIT "HOME FOLKS" WITH NEELY VICTORY

(Continued from Page 1)

measure to the Senate from the "folks back home."

It was pointed out that Allied and others favoring the bill had the strategy of the slogan "Let the Community Decide" in an effort to put over the thought that exhibitors were forced to take alleged objectionable pictures because of the block-booking system.

Parent-Teachers and women's clubs in the communities have long been converted to the theory, it was said, that the Neely Bill would eliminate the showing of "undesirable" pictures, even though the moral issue has not been a vital one since the adoption of the production code. However, observers yesterday expressed the belief that whether the moral issue was important or not, the various organizations used it as a peg on which to hang their arguments in favor of the measure.

House Block-Booking Hearing Not Likely at this Session

Washington Bureau of THE FILM DAILY

Washington — Hearings on the Edmiston block-booking bill, a companion measure to the Neely bill, are extremely remote this session, a House interstate and foreign commerce committee spokesman said yesterday. The committee has other important national legislation to consider.

The block-booking measure must go through the House committee before being brought to the floor. The Neely bill, passed by the Senate, cannot be sent direct to the House floor for action.

Quint Bookings Tops

The number of nation-wide bookings on the fourth of the Dionne quintuplets two-reelers, "Five Times Five," will top all others of the series, according to Harry Michalson, RKO short subjects sales manager. Indications point to a minimum of 10,000 playdates, Michalson said yesterday.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 19
M. H. Aylesworth
Edward Soman
Lou Mentlik

ALONG THE



WITH PHIL M. DALY

● ● ● **BIG DAY** in the life of Doug Fairbanks, Jr., today..... "Douglas Fairbanks, Jr. Day" will be observed at the World's Fair..... the party is scheduled for Doug and his recent bride.....with an elaborate program of entertainment such as few foreign celebrities have received at the Fair.....

● ● ● **OFFICIAL** program will start at 10:30 a.m. when the Fairbanks party will be picked up at the Hampshire House on Central Park South and escorted to the Fair grounds by a motor cavalcade.....the party will be met at 11 a.m. by Grover Whalen at the Administration building.....and will be turned over to an escort of twenty-five beautiful hostesses who will constitute an escort of honor for the entire day.....

● ● ● **AFTER** the official reception, Fairbanks will head the Children's Parade.....winding up at 1 p.m. at Frank Buck's Jungle Land, where the party will have a special Malayan luncheon.....from 3 to 7 p.m. the party will tour the Fair, escorted by the beautiful gals, and Doug will make personal appearances at certain exhibits.....dinner at 7 at the French Pavilion where the Fairbankses will be hosts to the Jack Whittings and the William Rhinelander Stewarts.....at 10:30 the party moves to Billy Rose's Aquacade, for a special program of water sports in Fairbanks' honor.....it begins to look as if the Fair is falling back on the Hollywood stars to help sustain interest in their show.....which we suppose is to be taken as some sort of admission that whatever the type of entertainment, it takes the Film Glamour to really put it over.....

● ● ● **AGAIN** the newspaper headlines give Darryl Zanuck his cue.....and so he schedules a forthcoming production..... "White Wings In Clover".....the idea of the film being based on the recent acquisition of the Otto Kahn estate on Long Island by the Department of Sanitation as a recreation center for the New York workers.....

● ● ● **DUE** to popular interest.....the industry's official film, "Land of Liberty," will be shown three instead of two times daily.....in the theater of the Federal Building at the World's Fair.....this pictorial history of the U.S.A. contains 1,000 sequences from 125 feature pictures.....the starting times of the shows, beginning today, will be 2, 4:15 and 6:30 p.m.....

● ● ● **UNIQUE** honor.....bestowed upon James Cagney.... by the police of the nation.....with 5,000 chiefs of police having participated in a crime prevention award to Cagney.....for making the modern gangster a loathsome type of character through his screen portrayals.....the award is announced in the Police Call, official police mag.....

● ● ● **UNUSUAL** gesture from George Bernard Shaw.....who has sent Howard Estabrook a complimentary note on his screen version of "The Doctor's Dilemma" for Ernest Pascal.....this is probably the first time in Hollywood history that anyone from the film capital has been complimented by Shaw, whose remarks about workers in the American motion picture have been pretty biting from time to time.....

« « « » » »

BRANDT AND D OF C DISCUSS PROBLEMS

(Continued from Page 1)

session, Dr. Thorp told FILM DAILY he expected they would have further confabs with Brandt. "Mr. Brandt obviously knows a great deal about the motion picture industry and we will confer with him again possibly at a later date," said Dr. Thorp.

Thorp and his associates will confer this morning with Col. Cole, president, and Abram F. Myers, general counsel, of Allied.

The Myers-Cole confab was arranged following senate passage of the Neely bill as Myers had stated they would not confer while the Neely measure was under consideration.

The conference yesterday was of a general nature, Thorp said, with Brandt laying his views before the body. Asked if the confabs would result in a report with specific recommendations, Thorp said, "The industry has a certain number of problems and it is the duty of the Commerce Department to aid in finding a solution. We are now engaged in finding the problems."

Thorp declined to state what Brandt and Toll advanced in the way of recommendations and suggestions. It is understood, however, that Brandt struck out strongly at radio competition with exhibitors, assailing the use of picture stars for radio shows. Brandt pointed out the value of "names" in the industry and is understood to have protested against excessive radio appearances which, he said, lessen their value at box-offices.

Conferees declined to comment on whether Brandt aired his opposition to Allied and MPTOA as national exhibitor organizations not representing the voice of the independents or whether he advanced the cause of new exhibitor organizations headed by himself. It is understood, however, that ITOA head cited his general approval of film code.

Brandt and Toll returned to New York immediately after the confab.

"No Man's Land" Passes

Chicago — Theaters in the "No Man's Land," adjacent to Evanston on the North Shore, will be taken into the village of Wilmette. Gov. Henry Horner has just signed a bill adding this strip of land to that town. Leading theater there is Sam Myers' Teatro Del Lago.

Unpremeditated!

Detroit—Earl Hudson, United Detroit ad man, blushing insists it was all unpremeditated. But at any rate, this was the way current newspaper display copy for the Michigan Theater read: "All New—Two Years to Produce" "Tarzan Finds a Son"

LARGE-SCREEN TELE AUDIENCES LIMITED

London (By Cable)—Following a statistical inquiry into the number of cinema patrons who might be expected to attend big-screen television shows in the afternoons, Simon Rowson finds that during the summer, when total weekly cinema attendance may drop to 2,000,000 for the country, three-fourths of which go to theaters after 6 p.m., that big-screen tele patrons might not be more than 500,000. He questions whether such an attendance would repay exhibitors for the expense of installing the necessary tele equipment.

Television service to cinemas would be confined mainly to special events, such as the Derby, boat races, boxing and tennis matches, the opening of Parliament, Trooping of the Colors, and the like. These events take place in the daytime. If recorded on film and rediffused to theaters, the tele program would be in competition with the cinemas legitimate purpose—the showing of motion pictures for public entertainment. Regular cinema patrons, attending to see films, might not be interested in these special events, subtracting time from the film program.

While weekly afternoon attendance during the winter months would be greater, attendance would still be limited. Weekly expense of installing tele equipment would be continuous, Rowson states. The expense would include \$25 a week for the equipment (according to Major Bell's analysis of the situation), apart from additional charges for a special operator, structural alterations necessitated for the equipment.

Rowson questions the financial returns to exhibitors who put in the big-screens for television. He concludes:

"My present opinion is that television in cinemas shows little prospect of ever becoming a commercial proposition, if confined to news events of the kind referred to. If

WEDDING BELLS

Wilmington, Del. — Bayard J. Barnes, assistant manager, Warner Bros.' Aldine Theater, and Miss Gladys C. Seldomridge were married in the Brack-Ex M. E. Church.

Albany — Engagement of Robert Mitchel Rosenthal, manager of Warner's Ritz Theater here to Miss Elise Cohn, daughter of Dr. and Mrs. Isadore Cohn, New Orleans, is announced. Marriage will take place in the Fall.

Wilmington, Del.—Robert Howatt Ripple, sign artist, Loew's Theater, and Miss Judy Cowelly were married in Atlanta, Ga.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the nineteenth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 19

V. PARTIES TO DISPUTES

There are three categories of disputes: those between distributor and exhibitor; those relating to overbuying; and those relating to clearance.

(1) *Disputes Between a Distributor and an Exhibitor:* All disputes which are subject to arbitration under the Code shall be between a distributor and an exhibitor and shall be considered a two-party dispute, except those disputes relating to overbuying and clearance.

(2) *Overbuying Disputes:* Overbuying disputes shall be between a complaining exhibitor and an exhibitor complained against and shall be considered a two-party dispute.

Distributor: However, each distributor who has signed the Code and at the time has a contract with the exhibitor complained against, shall be entitled to notice of all hearings and shall have all rights of a party except to designate an arbitrator.

Decision Binding On Distributor: Such distributors shall be bound by the award as if they were parties to the dispute.

(3) *Clearance Disputes:* These disputes shall involve three parties:

(a) The complaining exhibitor.

(b) The exhibitor complained against.

(c) Distributors as a group who have contracts with complaining exhibitors and grant clearance to the exhibitor complained against.

Notice To Distributors: Each such distributor shall receive notice of hearings and shall have all the rights of a party except the right individually to designate an arbitrator.

Other Exhibitors Affected: If an exhibitor who is not a party to the clearance dispute may be prejudiced by any award made in favor of the complaining exhibitor, any party may file such a written claim with the Arbitration Board.

No Power to Proceed: In such case, the Arbitration Board shall have no power to proceed unless within the time fixed by it, there have been filed written consents by such exhibitors of their willingness to be bound by any award which may be made in such dispute.

Rights of Other Exhibitors: Exhibitors who have filed such written consents, are entitled to notice of all hearings and have a right to be represented at the hearings and to examine or cross-examine all witnesses.

Award Binding: The award of the Arbitration Board shall be binding upon such exhibitors to the same extent as if they had been parties to the dispute.

(Twentieth installment will appear in an early issue.)

special programs are devised and transmitted at times which did not compete with the cinema's normal function of showing ordinary entertainment films it is possible that a different commercial story could be told."

NBC Gets Television Rights to Two More Feature Pictures

Television rights for one performance each have been obtained by National Broadcasting Co. to "Hell's Angels," produced by Howard Hughes and starring the late Jean Harlow, and "Abraham Lincoln," in which Walter Huston is featured. They will be presented on the air some time in August. Price paid was not disclosed but is understood to be approximately \$200 for each film.

NBC's tele directors believe two hours too long for a home tele program and the network will present each picture in two installments on consecutive evenings.

NBC, it is reported, has obtained tele rights to almost 40 features despite the ban of the major producers on the use of films in television. Those obtained are mainly foreign features, documentary pictures and several made by independent producers.

Fair's Hot Dog Giveaways Has N. Y. Exhibs. Wondering

(Continued from Page 1)

exhibits," he said, "I wonder what General Motors and others think about hot dog giveaways to induce attendance."

As announced by Grover A. Whalen, president of the Fair corporation, the \$1 combination will include three items:

Admission to the Fair—value 75 cents.

A light lunch of hamburger or frankfurter sandwich and coffee, tea or milk—value 20 cents.

Admission to five from a selection of 25 attractions in the Exhibit or Amusement area, ranging in price from 10 to 40 cents—maximum value \$1.30.

It was not announced whether there would be any substitutions allowed for persons who did not like frankfurters or hamburgers.

The same combination ticket will be sold at 50 cents for children under fourteen years of age.

EIGHT MAJORS NAMED IN TEXAS TRUST SUIT

(Continued from Page 1)

U. S. District Court, against two circuits and eight distributors charging that they prevented it from exhibiting first class features in its theaters.

Defendants, from whom damages of \$17,366.31 are asked, include Interstate Circuit, Inc., Horwitz-Texas Theaters Co., Metro-Goldwyn-Mayer Distributing Corp. of Texas, RKO Radio Pictures, Republic Pictures Corp. of Texas, Loew's, Inc., Paramount Pictures, Columbia Pictures Corp., Vitagraph, Inc., and 20th Century-Fox Film Corp.

Philly Allied Regional in Squawk on Pix Prices

(Continued from Page 1)

for new season were considered and general opinion expressed was that product prices were out of line in view of present box-office conditions. Annoyances, such as prints not being available at scheduled time and "yanking" after date confirmation, were attacked.

Hope for House passage of the Neely bill was expressed by speakers.

Activities of the national organization during the last 10 years, and regional and state activities during the past eight months and recent state legislative session were outlined.

Six new members were accepted. Sidney E. Samuelson, Phila., business agent, and former national president, was in charge. Similar meeting will be held today in Shamokin and another tomorrow in Allentown.

Ohio Court Refuses Defense Substitution in Pix Tax Suit

(Continued from Page 1)

in the two tax payers suits to enforce collection of the 3 per cent sales tax on film rentals.

However, the Court agreed to attorneys Carlton Dargusch and Robert Barton filing briefs on Aug. 1. The answer filed by Assistant Attorney General Aubrey Wendt was strictly neutral. He merely asked for a ruling by the court on the exact status of the case.

Star's Father White Sox Mgr.

Chicago—Harry Grabiner, father of June Travis, film star, will assume management of the Chicago White Sox baseball club following the death of Lewis Comisky, president of the club, at his home in Eagle River, Wis.

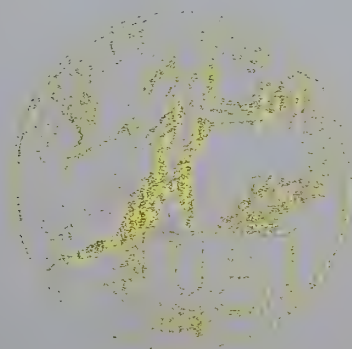
STORKS!

Detroit—Frank Jones, Vitagraph booker, is the father of a new 9½ pound daughter, Gwendolen Mary. Mother is the former Alice Spradlin, contract clerk for Vitagraph.

INDIVIDUALLY

"BACK OF EVERY GREAT PICTURE IS A GREAT PRODUCER"

Murray Silverstone



D

ISTINCTION and showmanship are the reasons why the public, exhibitors and critics alike look forward to each new DAVID O. SELZNICK production with an assured foreknowledge of quality. It is therefore with pride that UNITED ARTISTS announces continuance of its releasing agreement with Selznick International Pictures.

O

RIGINALITY of the Selznick organization is reflected in the starring of Leslie Howard in **INTERMEZZO**, which introduces the beautiful new continental star Ingrid Bergman, with Edna Best, and will be released this season. Mirroring the infatuation of a famous musician for his young accompanist, and the swift events that engulf them, this newest Selznick production dares to depict problems found in the lives of millions concentrated in the lives of three.

S

URPRISE and excitement, the two priceless ingredients of any motion picture, are what DOS has captured for the filming of **REBECCA**, the year's outstanding best-seller by Daphne Du Maurier, 400,000 copies of which have been sold since publication last fall. With Man-of-the-Hour Laurence Olivier in the leading role, Alfred Hitchcock—whose superb treatment of "The Lady Vanishes" and other films has earned him the title "Master of Melodrama"—will direct. Details of two more Selznick International pictures will follow soon.



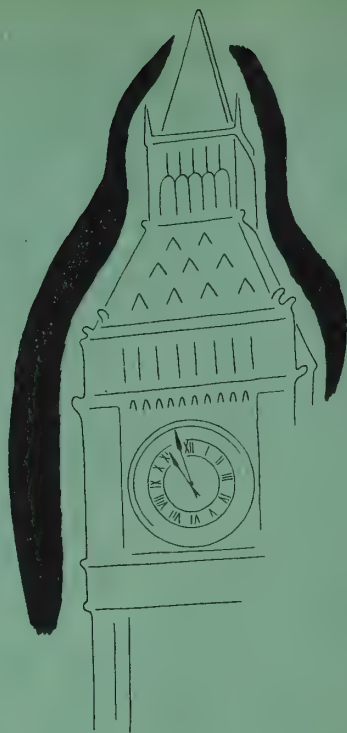
DAVID O.
SELZNICK





CHARLES CHAPLIN

Chaplin's first all-talking picture — Chaplin's first picture in three years — based on the most timely, most important topic in the world today, is now in production. **CHARLES CHAPLIN** in **"THE GREAT DICTATOR"**, the season's big-news picture, will climax the magnificent career of the greatest of all screen stars. In connection with his plans, Mr. Chaplin says: "I am making a comedy picture on the lives of dictators which I hope will create much healthy laughter throughout the world."



ALEXANDER KORDA

Five big, important scope pictures — all of them in the breathless beauty of final Technicolor perfection—will comprise Alexander Korda's box-office activities for 1939-40. First: **FOUR FEATHERS** . . . 7,200 seconds of flesh-and-blood excitement, filmed in actual locales in the heart of Africa, bringing authentic thrills no screen has ever held before. Directed by Zoltan Korda with Ralph Richardson, C. Aubrey Smith, John Clements and June Duprez. Second Korda hit: **OVER THE MOON**, giving Merle Oberon, star of "Wuthering Heights", her first comedy role in a story by Robert E. Sherwood. Third Korda hit: **THE THIEF OF BAGDAD** starring Sabu, Conrad Veidt and John Justin in a spectacle that promises to have the most unique appeal in years. Fourth Korda hit: Merle Oberon in **WINNER**, with Laurence Olivier, from "Manon Lescaut", the famous love story of a passion-swept man and woman. And Fifth: Kipling's **THE JUNGLE BOY** with Sabu in the title role.

Douglas Fairbanks resumes his production activities by presenting **THE CALIFORNIAN**, the kind of colorful, romantic, action picture which in the past made his own starring vehicles so sensationally successful at the ticket window. Now in the role of producer, instead of star, Mr. Fairbanks will soon announce a cast of vigorous marquee strength for this production based on the dramatic career of Lola Montez, dancer, adventuress and sweetheart of kings. The exploits of this exotic woman in the pioneer country of Southern California constitute one of the strangest and most glamorous stories in history.



DOUGLAS
FAIRBANKS



SAMUEL GOLDWYN

Samuel Goldwyn Standards of Showmanship — Samuel Goldwyn Business — will be even higher this year than it was with “Wuthering Heights”, “The Hurricane”, “Dead End” or “Stella Dallas”. For Goldwyn starts your new picture season with a new note in entertainment — Jascha Heifetz in **THEY SHALL HAVE MUSIC** with Andrea Leeds, Joel McCrea, Walter Brennan and Gene Reynolds, directed by Archie Mayo. Back of this picture is the specific purpose of attracting new patronage for you thru the magic music of Heifetz, with all your regulars revelling in a down-to-earth story of kids with dirty faces and hungry hearts. Mr. Goldwyn's next picture will be Gary Cooper in a fighting role in **THE ROAD ISHII** with Andrea Leeds and David Niven, under the direction of Henry Hathaway . . . a roaring thrill-and-action picture of American soldiers in the Philippines, always outnumbered . . . never outfought.

Famous for his showmanship innovations, Wanger leads off with **WINTER CARNIVAL** starring Ann Sheridan, the most exploitable star since he gave you Hedy Lamarr in "Algiers". This picture of winter sports, youth and fun, takes you behind the scenes at Dartmouth when 1,500 wild women hit the campus. Richard Carlson, Helen Parrish, Robert Armstrong, Marsha Hunt, James Corner and Alan Baldwin give additional cast interest, with Charles R. Riesner directing. Next will be Joan Bennett in **THE HOUSE ACROSS THE WAY** the story of a woman who dared hope for love while her man was in Alcatraz. **MY PERSONAL LIFE** by Vincent Sheean takes a reporter around an action-teeming world. **ETERNALLY YOURS** starring Loretta Young and directed by Tay Garnett, gives your audience the hilarious low-down on a magician with every trick up his sleeve except how to manage his women. Fifth from Wanger will be **SEND ANOTHER COFFIN** by F. G. Presnell, with more laughs per murder than "The Thin Man".

WALTER WANGER





From the greatest stories of today and yesterday, the producer of "The Count of Monte Cristo" and "The Man in the Iron Mask", has shaped his new season's plans. Half a million readers of Howard Spring's best-selling novel, **MY SON, MY SON!**, are waiting for cast announcements on this story of two fathers and their dreams for their boys. Twelve thousand exhibitors are cooperating with Mr. Small on a direct-to-the-public poll for star selections. **TWO YEARS BEFORE THE MAST** by Richard Henry Dana, translated into 25 languages and reaching a book sale of 1,320,000 copies, will follow. Then watch for **THE HOUSE OF MONTE CRISTO**, unfolding the further amazing exploits of the most fabulous character ever written into a book or pictured on the screen; **BIT CARSON** based on the career of the colorful frontier hero and adapted from the newspaper serial read by 17,000,000 Hearst readers; **SOUTH OF PAGO PAGO**, a big production of tropic glamour; and finally **VALENTINO**, the life of the greatest of all popular idols, an idea which has brought Mr. Small congratulatory letters from thousands of exhibitors.

EDWARD SMALL

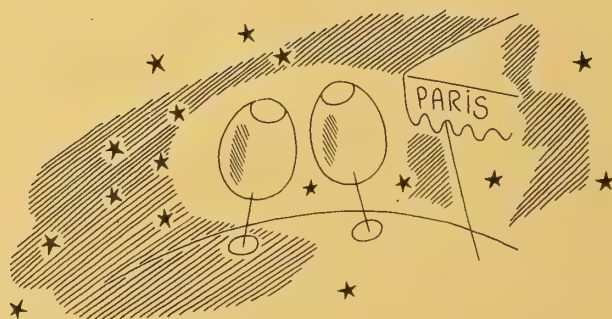
HAL ROACH

Hal Roach's five special feature productions cover the entire range of audience interest from gay laughter to stark drama. First will be a slight case of murder involving the only girl who's got more than the farmer's daughter—**THE HOUSEKEEPER'S DAUGHTER**, from the novel by Donald Henderson Clarke, co-starring Joan Bennett and Adolphe Menjou with Peggy Wood. Next the famous novel and play that shocked a million people by its realism, **OF MICE AND MEN**, by John Steinbeck, author of "The Grapes of Wrath". Lewis Milestone will direct. Thorne Smith, author of the "Topper" novels in **TURNABOUT** tells hilariously about a husband and wife who change places and sexes. For adventure follow **CAPTAIN CAUTION** by Kenneth Roberts, author of "Northwest Passage". And then the startling, astounding **1,000,000 B. C.**, dramatizing the birth of civilization at the dawn of time . . . with special effects by Lewis Tallhurst who took similar credit on "The Good Earth". In addition to these five specials, **LAUREL & HARDY** will be reunited in **FOUR 4-REEL FEATURES** to carry them to new heights of popularity.



The box-office astuteness of SOL LESSER as a production expert is well known to every exhibitor. The box-office distinction of ERNST LUBITSCH as a director is recognized wherever pictures play. These two names are linked for the first time by UNITED ARTISTS which is happy to add them to its list of eminent producers. Mr. Lubitsch will personally direct an untitled **ERNST LUBITSCH PRODUCTION**, details of which will soon be announced. Mr. Lesser will produce the Pulitzer Prize Play of 1938, **OUR TOWN** by Thornton Wilder. Our Town is every American town superbly charged with humanness, romance and dramatic simplicity...so appealing that Alexander Woolcott said: "In all my days as a theatregoer, no play moved me so deeply."

ERNST LUBITSCH ★ SOL LESSER





DAVID L. LOEW

It is with a very special pride that UNITED ARTISTS welcomes to its organization a distinguished member of a distinguished motion picture family who have contributed their talents abundantly to the benefit of the film industry.

DAVID L. LOEW brings to production a thorough, practical knowledge of theatres and theatre problems through years of experience in actual theatre operation. His long studio activity, too, has proved dramatically his qualifications as a top UNITED ARTISTS producer. His first release will be the picturization of **A CELEBRATED PLAY** now in the final stages of negotiation.

Watch for the early announcement of its famous title and the stars who will appear in its cast.

INDIVIDUALLY

**DAVID O. SELZNICK
CHARLES CHAPLIN
ALEXANDER KORDA
DOUGLAS FAIRBANKS
SAMUEL GOLDWYN
WALTER WANGER
EDWARD SMALL
HAL ROACH
ERNST LUBITSCH
SOL LESSER
DAVID L. LOEW**

RELEASED THRU UNITED ARTISTS



'CIVIC REMEDIES' PLAN FACES CONGRESS FIGHT

(Continued from Page 1)

bill, to which the TNEC gave its blessing in executive session, will aim their shafts at the drastic penalties on the ground that the line between Sherman-Clayton law ob-
jection and violation is frequently ex-
ceedingly difficult to draw and that the measure, if enacted, would place countless individuals and innumerable companies in danger of prosecution.

In brief, the O'Mahoney measure would enable the D of J in anti-trust cases to bring civil suits for the

Washington Bur., THE FILM DAILY

Washington—Pix and 39 other industries or services in all parts of the nation were involved in 1,375 anti-trust violation complaints filed with the D of J during the fiscal year ended June 30 last, according to Thurman Arnold, Assistant Attorney General. Anti-trust division of the Department on July 1 had 213 cases pending in the courts and probes pending in 185 other cases.

removal of corporation officers and directors responsible for anti-trust law violations or, as an alternative, to bring civil suits for damages which would be, in the case of a corporation, twice the amount of its net earnings during the period of law violation and, in the case of individual officers and directors twice the amount of their salaries during the same period.

Drafting sharps in the D of J who phrased the O'Mahoney bill are understood to believe that it will be useful in "pointing up" the anti-trust law issue. Several other companion bills have already been prepared, but have not been revealed. It is reported they would provide some means of relief from the stiff schedule of damages set forth in the civil remedies bill. More definite standards would be set up, for one thing.

The TNEC preliminary report at this time is of special interest to the film industry because of its apparent philosophy, describable as "enforced competition in business." This, of course, runs counter to the earlier Administration concept, best symbolized by the NRA, with its industry codes and virtual suspension of the anti-trust laws.

This reversal in policy may explain, to some extent, at least, why the Government apparently is indifferent to the film industry's attempts to set up a trade practice code and effect self-regulation and why the D of J is moving so resolutely in trust suit prosecutions.

'Bar Kochba' as Pix?

West Coast Bur., THE FILM DAILY
Hollywood—Metro is considering Leon Gordon's original, "Bar Kochba," story of the ancient Hebrew warrior who fought the Roman Legions to a standstill. Joseph Schildkraut is reported a possibility for the stellar role.

FREE SAMPLES OF COOL AIR

It's the Unique Idea of Harry Storin, of the Springfield, Mass., Paramount

Springfield, Mass. — Harry Storin, manager of the Paramount, has installed a personal air-conditioning system. As far as he knows, his contraption is unique. The "personal" in the description applies to the citizen who passes along Main Street and not to Storin, who sits in an air-cooled office without a care or a heat rash to his name.

The sweltering citizen passing by the Paramount, muttering at the air-cooled information on the marquee, becomes aware of the contraption. It is for all the world like a bathroom fixture, seven feet high and wide

enough. It has two handles marked "hot" and "cold" and a sign which informs him that here is a cold air shower. He may feel foolish about taking a chance but if he does, at once a cool breeze flows over him.

The air is of the same temperature as that circulating in the theater and the handles on the gadget are merely for show. What happens is that the girl in the box-office seeing a hopeful but skeptical citizen under the air shower, throws a switch and permits the sample refreshing zephyrs to come down.

Entertainment-Industrial National Carbon's New Idea

National Carbon Co., through its ad agency, J. M. Mathes, Inc., is embarking on a new type of sales promotion film program, incorporating entertainment footage with industrial reels to make the latter more psychologically acceptable, impressive and effective.

Of particular interest is the use of a now outmoded, but highly entertaining short "The Filling Station," produced by Walt Disney, and the employment of a special industrial short compiled by The March of Time and titled "Anti-Freeze, the Story of Scientific Research," which is the first industrial subject ever made by M of T. This was supplied to National Carbon by M of T, it is learned, on the express understanding that the subject will not be used by National Carbon except for showings within that organization to employees, and on occasions non-competitive to pix theaters. NC makes the product "Prestone," an anti-freeze compound for automobiles.

The Anti-Freeze short was made by M of T during a temporary lull in its production schedule, and, it is understood, promotional shorts of an industrial character are being considered for future making should potential client companies desire them for inter-organization sales work, and M of T have the time.

Also on the National Carbon program is another promotional cartoon, "Rip Van Winkle, Jr." All three pix will be shown tomorrow at 5 p.m. via screening in the little theater in the Chanin Building.

Blue Noses Force Closings

Philadelphia—Pressure by Philadelphia reformers has forced Tioga County theaters to close on Sundays. Several houses in Tioga towns had been operating without approval by local option vote but Blue groups forced the district attorney to clamp down last Sunday. Towns are now expected to vote on the issue in November, with approval likely.

Photographers Union and M of T Sign 3-Year Pact

A new three-year contract between the March of Time and International Photographers, Local 644, IATSE, was signed yesterday. New pact calls for increases in salaries, shorter hours and a severance clause.

Salaries of the regular monthly reel cameramen have been increased from \$125 to \$150 for a 40-hour week plus time-and-a-half for overtime and double time for Saturdays, Sundays and holidays.

Production cameramen's scale has been set at \$250 a week and operative cameramen will receive \$150. Cameramen hired by the day will receive \$50 a day, where formerly they received \$35. All cameramen will receive an extra \$25 when called upon to fly.

Under the new pact, all cameramen will be given two weeks' vacation with pay. A severance clause, under which March of Time agrees to pay a discharged worker two weeks' salary for every year he has been with the company, also was agreed upon.

Three extra cameramen and three assistants were added to the staff.

New contract was negotiated by Charles Downs, business agent of Local 644.

Equity Instructs Members to Join New Amer. Guild

Actors' Equity Ass'n and the Chorus Equity yesterday voted to instruct their members to join the new American Guild of Variety Artists and to sever their connection with the American Federation of Actors.

Korda, Somlo Negotiate

London (By Cable) — Alexander Korda and Josef Somlo of G & S Films are reported negotiating for a production association, with a production schedule which, it is said, would cover seven productions as well as those already announced by G & S. General Films would handle the pictures, and Zolly Korda would represent his brother.

ITA TO SET CANADIAN INDIES CONCLAVE PLAN

Independent Theaters Association will be held here shortly to consider plans for the national convention of Canadian indies under the sponsorship of the ITA-promoted Anti-Protection League.

In all probability, the convention will be set for late August to coincide with the Canadian National Exhibition, which opens Aug. 25 and closes Sept. 9.

Meanwhile, J. O. Scott, chairman of the League's Central Committee, has written secretaries of all indie exhib. associations in the Dominion asking them to call special meetings for the purpose of arranging regional conventions at which delegates will be designated for the August conclave.

Elsa Maxwell Pix Will be 20th Cent.-Fox's First

(Continued from Page 1)

"Chicken Wagon Family," 11; "Stanley and Livingstone," 18, and the Jones Family in "Quick Millions," 25.

September releases include: "The Adventures of Sherlock Holmes," 1; "Charlie Chan at Treasure Island," 8; "Hollywood Cavalcade," 15; "Stop, Look and Love," 22, and "Here I Am a Stranger," 29.

Following pictures are listed for October: "The Escape," 6; "The Rains Came," 13; "Cisco Kid" picture, 20, and "20,000 Men a Year," 27.

Mascot for M-G-M Shorts To Be Selected Tomorrow

A mascot for M-G-M's new season short subjects will be selected tomorrow in Pittsburgh at the annual convention of Lions International. An "animal jury" will select the winning cub which will be known as Leo, Jr., and which will act as an audible trade mark for all forthcoming short subject releases.

The "animal jury" includes "Bugs" Baer, Carl Crow, author, Lynn Swann, actress, Dr. George Bull and Jacqueline Tyger.

Garnett Signed for Two

West Coast Bureau of THE FILM DAILY
Hollywood—Tay Garnett will direct "Send Another Coffin," a mystery melodrama by F. G. Presnell, for Walter Wanger, and "African Intrigue" for The Play's The Thing Productions at RKO.

Dept. Store Competish

Sydney (By Cable)—Picture theaters of Sydney, which recently found a new competitor in McDowell's department store, are fearful that other merchants may try the experiment. McDowell's offered free movie bill twice daily with an extra Friday evening and Saturday morning performance during the 10 days of its golden jubilee celebration. Exhibs. took action against the practice then and are ready to take more active steps if it spreads.



SHORT SUBJECT REVIEWS



"France in North Africa" (The World Traveler)

Paul Devlin 9 mins.

Timely

Three important cities of North Africa under French dominion are shown in vivid photography, right up to date, with the current topical war news making this portion of the world of keen interest to the public. First is Algiers, capital and chief city of the French protectorate of Algeria. Its beautiful harbor is seen, large enough to accommodate the entire French Mediterranean fleet. The sidewalk cafes are a colorful spectacle. Also the natives piling into buses, riding as far as their money will go, for the pure joy of traveling in this to them novel style. Then to Oran, second largest city of Morocco, an important French strategic harbor. Sights of the city streets are highly entertaining. Making shoes from old automobile tires. A proud sheik on a magnificent Arabian steed. Finally, Casablanca, another important French port and a very modern city. In the native section the women wear veils. The people gather for a carnival, where acrobats, snake charmers, a man walking on glass with bare feet, dancing, all serve to entertain the audience. Here is the gorgeous sultan's palace, and temples gleaming white in the noonday sun, with natives pursuing their leisurely existence as the French colonial army keeps a watchful eye over it all, as war clouds gather on the horizon. A highly entertaining reel. Filled with the color, glamour and throb of the Near East. Major Paul Devlin, as the World Traveler, gives a narration that makes you feel the imminence of world events hovering ominously over it all.

"Dog Daze" (Our Gang)

M-G-M 11 mins.

Lively

The Gang receives a couple of dollars from the police for taking care of their injured dog mascot, and this gives them the idea of raising funds by cornering all the stray dogs in town. They lure them into their "club" with the help of a trained penguin, but soon the town is in an uproar as the women miss their four-footed pets and advertise rewards. But the Gang cannot collect the rewards, for the police are on their trail, led by snooty Wilbur, who turns informer. But all works out nicely when the cops find that the kids who took care of their mascot were only trying to make a little money to pay Butch the bully some money they owed him.

"Watch Your Step" (Grantland Rice Sportlight)

Paramount 10 mins.

Good Novelty

A study of the walking and running strides of humans and animals, developing some comedy angles in observing the antics of the

chimpanzee, cat, collie dog and a racing whippet. Some of the more interesting shots are those of a trotting and a racing horse, showing the difference in stride. Every type of animal of the wild and domestic variety is shown in this interesting compilation. Narrated by Ted Husing. Produced by Jack Eaton.

"Joy Scouts" (Our Gang)

M-G-M 10 mins.

Camp Life

The Gang attends a rally of the Boy Scouts who are giving a camping exhibition. They are unimpressed, and go off by themselves to do a little camping. But they pitch their home-made tent near a geyser that gushes at certain intervals. The geyser happens to be right under their tent. They are lifted up in the air hanging on to the tent pole like a parachute, and when they come to earth, they are convinced that the Boy Scout movement is the place to learn all about camping. The reel has a lot of comical incidents as the kids try their hands at cooking and the other activities called for by the camp life.

Unusual Occupations (L8-6)

Paramount 10 mins.

Lively

A country doctor who uses an airplane for his long jumps to patients. The man in Akron who makes those giant funny balloons for the parades. A remarkable armless Mexican basket-weaver at his trade. A South African who sews portraits with needle and thread. Fritz Leiber, the Shakespearian actor, is seen in his Hollywood studio, where he devotes his spare time to sculpture. A Hawaiian boy who has the ticklish job of polishing the toenails of American cuties on the beach at Waikiki.

"The Giant of Norway" (Passing Parade)

M-G-M 11 mins.

Timely

A good human interest chronicle of the famous Norwegian explorer, Nansen, who was associated with Amundsen in Polar expeditions. But his greatest work was in his han-

dling of the refugee problems which arose in Europe from time to time, starting right after the World War. The narrative shows his work in helping these refugees find permanent homes. A timely reel, with the refugee problem now plaguing the world.

"Goldilocks and the Three Bears" (M-G-M Cartoon)

M-G-M 11 mins.

Clever

A neat nursery story with a woman's voice reciting for the kiddies the story of Goldilocks, the little girl who wanders into the home of the Three Bears, daddy, mother and the baby bear. But they are out taking a walk in the woods, and Goldilocks eats their porridge in the three bowls, and then goes to sleep in one of the beds. When the bears return they see evidence of a desperate marauder in the house, and with much excitement hunt for the criminal. Goldilocks awakens and escapes, and all is peace once more, although the bears' home is pretty well wrecked. Nice color phantasy.

"The Barnyard Brat" (Color Classic)

Paramount 7 mins.

Animal Fun

Teaching the kiddies to be kind to animals is the thought. Spunky, the mischievous donkey, keeps all the barnyard animals in a stew with his pranks. The animals appeal to Hunky, the brat's mother, but she can do little with the incorrigible. So the barnyard troupe decides to act, and gives the pest a thorough going-over with the help of the old well into which he is dunked. Directed by Dave Fleischer.

"Culinary Carving" (Pete Smith Specialty)

M-G-M 9 mins.

Housewife's Novelty

Pete Smith with the help of a culinary expert shows the right way to carve the various kinds of meat that the head of the family must carve when guests arrive. One young home owner is seen with his wife entertaining the boss, and he mangles the roast beef something terrible. This brings some laughs. Then the expert shows the right way to carve the various roasts and cuts.

Sanders Sets 3 Deals

Film Alliance of the U. S. through Nat Sanders, general manager, has closed franchise deals for the West Coast with Herbert Rosener Co., including playing time in all his houses, for "The Challenge" and "Second Bureau." Former starts at the Esquire, Hollywood, July 21. Sanders has set franchise deals for the same pictures with Cameo Screen Attractions, Inc., for New England and with Times Pictures for metropolitan New York.

Houck Tries Giveaways

New Orleans—Giveaways, which had been kept out of the downtown theater area, invaded it in two houses this week as Joy Houck, who introduced duals as a regular policy in his Strand and Rio theaters, brought in cash prizes on Mondays. Houck has a string of country theaters, which he books through Theater Service Corp., a buying outfit closely connected with the various Paramount-Richards subsidiaries. Houck also used cut-rate price slips for his Rio to build business.

"Africa, Land of Heat" (The World Traveler)

Paul Devlin 9 mins.

Picturesque

Unusual views of French Morocco with the camera uncovering some very interesting phases of native life that have never been presented on the screen. In Fez, the northern capital, for instance, are seen the native courts still dispensing justice, with the native judge assisted by French advisers. There is no appeal from the court's decision. Then on to Meknez, picturesquely situated high up in the hills. Souks is a famous city little heard of in this country, with mysterious winding streets and arcades that give the city a ghostly aspect with the fierce rays of the sun perpetually barred by overhead lattice work. The oldest Roman ruins in Africa are those of Volubilis, a city dating back to the first century, a city that flourished for over 300 years. Taza is another old city on the edge of the desert. Intimate sights depicting the people and their customs enliven this reel throughout. Children are seen tending their sheep. Camels being prepared for a long journey across the hot sands. The primitive method of irrigation handed down from Biblical times. Everywhere the evidence is seen of the struggles for existence in a parched land of hardship. Yet the camera manages to make the scenes dramatic and engrossing, and to convey the mysterious lure of the desert country both in city and barren sand wastes. Narration is dramatically given by Major Paul Devlin, the world traveler who knows French Morocco intimately from years of travel there.

"Rhythm on the Reservation" (Betty Boop)

Paramount 7 mins.

Indian Rhythm

Betty Boop stops at an Indian reservation to buy souvenirs, and winds up teaching them to play her jazz instruments which are in the car. They do pretty well with the swing music, and when Betty starts away she is loaded down with gifts, including an Indian brave who has fallen for her. But his squaw takes care of him, so that Betty is not embarrassed by turning down a native redman. A Max Fleischer cartoon.

"Colorful Curacao" (FitzPatrick Traveltalk)

M-G-M 9 mins.

Quaint City

Quaint old Holland-style buildings mark the city of Curacao in the Dutch West Indies, with the ocean liner steaming right up the main street because of the wide channel. There is a unique old wooden bridge that opens to allow the steamer to pass. A jaunt through the old city shows the natives, mostly negroes, at their leisurely tasks. The Technicolor work is beautiful.

REVIEWS OF THE NEW FILMS

"Mr. Wong in Chinatown"

with Boris Karloff, Grant Withers, Marjorie Reynolds

Monogram 68 Mins. (HOLLYWOOD PREVIEW)

RATES AS BEST OF THE "WONG" SERIES AND SHOULD CLICK WITH POP AUDIENCES.

This "Mr. Wong" picture is the best of the series put out by Monogram. The production shows careful preparation under the supervision of William T. Lackey, and good direction by William Nigh. The screenplay by Scott Darling, based on the Collier's Magazine "James Lee Wong" stories by Hugh Wiley, was well written and moves at a nice pace. Boris Karloff, as the Chinese detective, does a fine job, and is given excellent support by Grant Withers as the police captain, and Marjorie Reynolds as a news reporter with a knack of getting in Grant Withers' way, Peter Lynn as the menace, can always be depended on to give a good performance, and Huntley Gordon as the bank president and the actual murderer, did well in his part. Lotus Long, Princess Lin Hwa, comes to Mr. Wong (Boris Karloff) for his help and is found murdered in his house. Lotus has come to America to buy planes for her brother, a Chinese General who is the commander of five Chinese Province armies. She has brought with her a letter of credit for a million dollars, and through investigation by Wong, it is discovered that the money has been withdrawn from the bank by forged checks. After a couple of killings, and the work of Marjorie Reynolds, who saves Wong's life, another Chinatown mystery is cleared up.

CAST: Boris Karloff, Grant Withers, Marjorie Reynolds, William Royle, Peter Lynn, Huntley Gordon, James Flavin, Lotus Long, Bessie Lee, Lee Tong Foo, Little Angelo, Richard Loo, Guy Usher.

CREDITS: Scott R. Dunlap in Charge of Production; Supervisor, William T. Lackey; Director, William Nigh; Based on the Collier's Magazine "James Lee Wong" stories by Hugh Wiley; Screenplay, Scott Darling; Cameraman, Harry Neumann; Editor, Russell Schoengarth; Production Manager, Charles J. Bigelow; Sound, Karl Zint.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Gone With the Wind" Will Debut in Atlanta

Atlanta — Atlanta and not New York gets the world premiere of Selznick's "Gone With the Wind" which Metro will distribute. Decision results from Southern protests against a Northern debut for the pix. Atlanta's Junior League will toss a costume ball on the night of the premiere.

Chaloner to be Town

The Chaloner Theater on 9th Ave., New York, which recently was taken over by the Brandt Circuit, will re-open in the Fall under the name of the Town.

"The Saint in London"

with George Sanders, Sally Gray

RKO Radio 72 Mins. LIVELY ADVENTURE OF THE SAINT RUNNING DOWN AN INTERNATIONAL GANG IN LONDON.

A very intriguing and suspenseful adventure of the celebrated Saint, who devotes his criminal talents to running down a master criminal. George Sanders in the role of the Saint has a smooth way about him that is very pleasing. A friend in the intelligence service tips him off that there is foul work under way in the matter of a representative of a foreign government who is over in London arranging for the printing of paper currency for his country. The scheme of the conspirators is to force the agent to give an additional order of millions in bank notes which are to be turned over to them. A girl named Sally Gray injects herself into the proceedings, and insists on accompanying the Saint on his dangerous mission. There is also a typical American crook character played by David Burns, who is very effective and quite comical. The conspirators are being pressed too hard by their adversary, so they kidnap the girl and hold her for ransom till the Saint turns over an incriminating document stolen from the home of the master mind. The manner in which the hero rescues the girl and turns the tables on the gang when all seems hopelessly lost makes for fine suspense and plenty of thrills. Selling angles: the adventures of the celebrated Saint in his latest crime-uncovering.

CAST: George Sanders, Sally Gray, David Burns, Gordon McLeod, Henry Oscar, Ralph Truman, Carl Jaffee, Norah Howard, Baillard Berkeley.

CREDITS: Producer, William Sistrom; Director, John Paddy Carstairs; Author, Leslie Charteris; Screenplay, Lynn Root, Frank Fenton; Cameraman, Claude Friese-Greene.

DIRECTION, Very Good. PHOTOGRAPHY, Okay.

"The Mikado" With Encores Slated for Two First-Runs

Following the success of the experimental encore shows of "The Mikado" at the Palace Theater, Broadway, last week, the Riviera, Scranton, and the Irving, Wilkes-Barre, will present the picture for a week's run, starting Saturday, with encores available to the audiences at every show.

As a contrast to the Palace engagements in which the encores were not advertised, except for a lobby display, the Scranton and Wilkes-Barre dates will receive the benefit of complete campaigns. Special ads and exploitation ideas have been devised by Universal's home office staff.

Meanwhile, it is reported that another major company is planning to produce a musical with encores available with each print.

"Should a Girl Marry"

with Anne Nagel, Warren Hull

Monogram 61 Mins. STRONG DRAMA OF GIRL'S RIGHT TO MARRY IN FACE OF A MOTHER'S DISGRACE.

Good dramatic situations created with the theme of a girl about to marry a young physician learning that she was born in prison and that her mother, a convict, has just died there. From this arises some tense drama that has been competently handled by the director. A blackmailer gains possession of the information, and tries to make the young doctor pay for silence, but he throws the man out of his office. Then the crook goes to the head physician of the hospital where the young hero works, and from this arises a situation where the older doctor tries to make the young medico withdraw his acceptance of a nomination for an important medical appointment. Some strong hospital atmosphere then develops with the necessity for operating on the elder physician who is wounded by a bullet, with the young physician performing the operation and saving the other's life. The result is a straightening out of the entire affair with the girl's secret of prison birth being effectually hushed, for the blackmailer has died with his blackmailing knowledge and the doctor and girl are free to marry. Selling angles: strong dramatic scenes in hospital; a girl's right to marry in the face of a parent's disgrace.

CAST: Anne Nagel, Warren Hull, Mayo Methot, Weldon Heyburn, Aileen Pringle, Lester Mathews, Helen Brown, Sarah Padden, Gordon Hart, Edmond Elton.

CREDITS: Producer, E. B. Derr; Director, Lambert Hillyer; Authors, Gayl Newbury, David Silverstein; Screenplay, same; Cameraman, Paul Ivano.

DIRECTION, Good. PHOTOGRAPHY, Okay.

Stradling Option Lifted

West Coast Bureau of THE FILM DAILY Hollywood—Harry Stradling, cameraman, had his option lifted by S-I and will work with director, Alfred Hitchcock on "Rebecca."

FOREIGN

"La Inmaculada"

with Fortunio Bonanova and Andrea Palma Atalaya-UA 95 Mins.

(HOLLYWOOD PREVIEW)

TRIANGLE STORY SHOULD CLICK EASILY IN THE LATIN-AMERICAN MARKET.

This Spanish picture produced by Maurice M. Cohen and Fortunio Bonanova should do well in the Latin-American field for which it is intended. Louis Gasnier's direction is smooth, and the singing of Fortunio Bonanova, who also plays the lead in the picture, adds greatly to the entertainment value, for he has an excellent voice. The triangle story has intriguing qualities for Spanish audiences, and as a whole is good film fare. Rene (Fortunio Bonanova), a millionaire playboy, meets and falls in love with Andrea. They are married and for a time very happy, but Rene becomes restless and resumes his liaison with his former mistress, Tana. He finally goes bankrupt and is deserted by his friends, and is cast aside by Tana. Rene suffers a stroke and is unable to walk, and it is up to Andrea to nurse and take care of him. Andrea meets Luis, a violinist, who pleads with her to divorce Rene and marry him but this she refuses to do, although she cares a great deal for him. Luis marries the girl his parents have picked for him, and Andrea, unseen, watches the marriage. Rene overhears the gossiping neighbors talking about Andrea and Luis. He realizes that his life is wasted and that he is only a burden and does not take the pill which would save him when he has another of his attacks.

CAST: Fortunio Bonanova, Andrea Palma, Milissa Sierra, Tana, Luis Diaz Flores, Daniel F. Rea, Julia Montoya, Felipe Turich, Raquel Turich, Carlos Villarias.

CREDITS: Producers, Maurice M. Cohen and Fortunio Bonanova; Director, Louis Gasnier; Author, Catalina d'Erzell; Screenplay, Paul Perez; Adaptation, Gabriel Navarro; Cameraman, Arthur Martinelli; Art Director, F. Paul Sylos; Editor, Robert B. Warwick; Production Manager, Melville Shyer; Musical Director, Alberto Colombo; Orchestral Arrangements, Nilo Menendez.

DIRECTION, Smooth. PHOTOG, Okay.

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Plan Quick Move to Consummate RKO's Reorganization

Cassel to Carry Fight on RKO Plan to U. S. Supreme Court

(Continued from Page 1)

fair and equitable and constitutional in its provisions.

The opinion, which was concurred in by Senior Circuit Judge Learned Hand and Judge Harrie B. Chase, separately considered the points raised by each of the three appellants—H. Cassel & Co., Ernest W. Stirn, and the combined appeals of Copia Realty and Fabian Operating Co.—and found no reason to upset the plan, submitted by Floyd B. Odlum, Atlas prexy.

(Nathan Rosenberg, attorney for H. Cassel & Co., debenture holder, stated that he would carry his appeal to the U. S. Supreme Court on the contention that the plan violated the U. S. Constitution. John S. Stover, attorney for Ernest W. Stirn, told THE FILM DAILY last night that he also will take recourse to the nation's highest tribunal).

Hamilton C. Rickaby, of Simpson, Thacher & Bartlett, counsel for the Atlas Group, plan's proponents, stated that he would proceed immediately to consummate the plan, and that a proposed certificate of incorporation of the new company would be submitted shortly for Judge Bondy's approval. Upon questioning, Rickaby declared that the new company would be functioning smoothly by the early Fall.

Cassel Claim to the Fore

The opinion of the Circuit Court paid greatest attention to the arguments raised by H. Cassel & Co. that the plan was unfair in substituting preferred stock in place of debentures and in changing the lien which debenture holders now have on the entire assets of the company. It also treated with the contention that the plan had been formulated on the basis of the poor showing made by RKO during the latter part of 1937 and the early part of 1938.

The Court paid tribute to these arguments by stating "On these and other premises, a forceful argument is made that it is unfair to the debenture holders to tender them preferred stock in place of their present secured claims."

However, the Court continued, it must be borne in mind that RKO is a holding company, and that a number of its subsidiaries "still have large funded debts of their own to provide for."

RKO Earnings Held "Volatile"

Judge Patterson pointed out that the debts of subsidiaries must be paid first as far as these subsidiaries' earnings are concerned before those earnings could be applied to the parent corporation. The net earnings of the subsidiary companies "are not presently available for

WHO'S WHO IN HOLLYWOOD

• • • Introducing Interesting Personalities: No. 211 • • •

A. EDWARD SUTHERLAND. Director. Born in England, January, 1897, of American parents. Attended school in France and England before coming to the United States, where he attended Roxbury Latin School, Boston. Entered pictures in 1915, acting with Helen Holmes in a serial, "The Girl and the Game." Became a Keystone Kop. Was a member of Royal Flying Corps during World War. Was a leading man with Bebe Daniels and others at Realart. Was assistant to Charlie Chaplin for three years. Made his directorial bow on "Coming Thru," starring Thomas Meighan. Has directed Eddie Cantor, Bing Crosby, William Powell, Will Rogers, Spencer Tracy, Douglas Fairbanks, Mae West, Edward Arnold, W. C. Fields, Clara Bow, Wally Beery, Raymond Hatton, Raymond Griffith, Gladys Swarthout, Joan Bennett, Rudy Vallee, Jack Oakie and others. Directed "Diamond Jim," "Every Day's a Holiday," "Mississippi," "Too Much Harmony," "International House," "Behind the Front," "We're in the Navy Now," "Close Harmony." Now with Boris Morros Prods.



meeting interest on obligations of the debtor (RKO Corp.)" In view of these facts, and after examination of the profits and losses of the company from 1932 through 1938, Judge Patterson characterized RKO earnings as "volatile and sensitive to general business conditions."

In summarizing the situation, Judge Patterson declared:

"On a survey of the entire situation we cannot say with assurance that over the years the available earnings of the debtor would suffice to meet interest and amortization charges on a debt burden of some \$18,000,000 of debentures and unpaid interest, nor can we say that a plan which met the debentures and unpaid interest outstanding as a fixed debt charge was not only feasible but was the one and only plan that would deal fairly with holders of debentures" and continued by saying that "failure to meet the reorganization debt charge would result in another reorganization."

The Circuit Court found that the plan preserved all priorities and that the necessary two-thirds consents indicated that it was not "inherently unfair."

It said further that the vote of the proponent was not colored by its holding a majority of the common stock, and that there was no evidence that the Atlas Group had been in bad faith.

Debenture Holder Gets Break

The Court said that a debenture holder would get 78 times as much stock for his \$100 of indebtedness as a common stockholder.

In conclusion, as to Cassel's contentions, it said "the District Court was not called on to say that the plan was the best or fairest that could be drafted. The problems confronting the parties were not easy

of solution. The corporate structure was intricate . . . under the circumstances we cannot say that the rights of the debenture holders were sacrificed in favor of junior parties."

The Court then took up the argument of Copia Realty Corp. and Fabian Operating Corp., contingent creditors, who claimed that the plan would not treat fairly their claims. Opinion pointed out that these appellants were landlords of subsidiaries of RKO Corp. and that the debtor had guaranteed payment of rent; but, the Court added, no default on rent had yet arisen. The Court felt, in answer to Copia's contention, that cash should be deposited as security for any future claims that the appellant was being treated fairly under a provision of the plan which required RKO to hold stock as a security.

Judge Patterson said: "The plan as it stands is fair to these parties, and their appeal fails."

Stirn Held Without Cause

Finally, the Court took up the question of the appeal of Ernest W. Stirn, holder of 1,234 shares of Class "A" stock. Stirn had contended that amendments to the certificate of incorporation made by RKO in 1931 were invalid as affecting Class "A" stock, and that his stock was in a position of priority.

The Court ruled that the report of Special Master George W. Alger, which ruled that the amendments were valid and that Stirn was barred for delay in attacking the amendment, should be upheld, and that Stirn had no cause for complaint.

The Court also considered an argument raised by Stirn that debentures and common stock floated in 1931 should be reduced in the plan by 45 per cent of their face value because of an alleged heavy discount at which they were sold.

Judge Patterson stated: "We are

8 NEW MICH. HOUSES OPENING IN ONE WEEK

Detroit—Eight new theaters slated to reopen in south Michigan the week of August 15, setting something like an all-time record for simultaneous opening Houses with owners and opening dates as now set:

Flatroc, Flat Rock, John Vlocho, Aug. 15; Milan, Milan, W. H. Stor, 15; Bliss, Blissfield, F. H. Guy, 10; B. Charlotte, Cass R. Beechler, 15; Garden City, Garden City, Walter D. Shafer, 12; Flint, Flint, Willard Johnson, 15; Motor City, Van Dyke, William Schulte Circuit, 15; Gen. Beaverton, James Methner, 15.

In addition, the remodelled Stran at Caro will be reopened by Ashman Bros. on Aug. 15.

While most of these are smaller town theaters, the total of expenses involved is estimated to run between \$300,000 and \$400,000. All eight are new as theaters, although some are remodelled from other types of commercial structures. In five cases—at Blissfield, Milan, Charlotte, Beaverton, and Van Dyke—the new houses are slated to replace older houses, usually of smaller size or obsolete design, thus insuring against overseating.

Saul Sloan Plans Detroit Nabe House to Seat 4,000

Detroit—Plans for a 4,000-seat nabe house at Six Mile and Schaefer Road, to be called the Television Theater, have been disclosed by Saul Sloan, who has also revealed plans for the 3,000-seat Alpine to be built on the east side. The Television is to be operated by Sloan's new United Motion Theaters Company.

Sloan has also formed the United Theaters Co., just formally registered, but no statement of the relations of the two companies is available.

Charlotte, Mich.—A new 325-seat theater is under construction here by former Mayor Cash R. Beechler. It will open early in the Fall.

Boosts Price a Nickel

Bridgeport, Conn. — West End Theater admissions have gone up five cents, following reopening of the theater after extensive renovation.

referred to no provision of law forbidding the issuance of bonds by corporations at a discount. . . . We see no reason to doubt the validity of the debentures for full face value."

As to all other arguments raised by Stirn the Court stated that "there was not sufficient merit in them to warrant separate discussion."

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Of Motion Pictures
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TEN CENTS

Privy Council Finds for 20th-Fox in Song Title Case DISCOVER EQUITY SUIT ON COURT TRIAL CALENDAR Defense Demands Bill of Particulars in Griffith Suit

More Definite Statement of Charges by Gov't Also Sought

Oklahoma City—Defense counsel in the anti-trust suit brought by the Department of Justice against the Griffith companies and eight major distributors filed motions yesterday in Federal Court here for a bill of particulars and a more definite statement of charges.

The Government's complaint, filed on April 28, charges that the Griffith companies, none of which are in any way affiliated with the eight

(Continued on Page 6)

"U'S" JAPAN GROSS BIGGEST IN HISTORY

Despite war and import restrictions, Universal is doing its biggest gross business in history in Japan, according to Al Daff, supervisor for the Far East. Because of the tense situation, Daff said yesterday in New York, the Japanese look to the screen as their chief source of diversion and

(Continued on Page 12)

AFA Moves to Enjoin 4A's in Scrap Over New Union

A show cause order, directing the AAAA and a large number of co-defendants to appear tomorrow at 10 a.m. before Justice Edward J. McGoldrick, on a complaint by the AFA was signed yesterday by Justice

(Continued on Page 11)

Minimum of 12 Features for Alliance Next Season

Minimum of 12 features plus a special and a number of featurettes and short subjects will make up the 1939-40 Alliance Films Corp. program, Budd Rogers, vice-president and general manager, announced yesterday. Pictures, produced in Eng-

(Continued on Page 6)

Editorial

A Better Break for Films ... via American trade agreements

By CHESTER B. BAHN

AS THE State Department proceeds with its policy of negotiating trade agreements with foreign countries in both hemispheres, wouldn't it be a good idea for this industry to exert as much pressure as possible to insure a better break for films?

The negotiations, it would appear, provide an excellent and timely opportunity to break down some of the trade barriers which are raising hell—exactly that—with the industry's foreign revenue. And there's scarcely need to point out that the trade's financial health requires all the foreign dough it can get to supplement domestic grosses.

It is true that the State Department has not been indifferent to films, but, generally speaking, the concessions the Department has wrangled abroad have been on raw stock

(Continued on Page 12)

SKOURAS DENIES FWC AFTER FRISCO CHAIN

By GEORGE H. MORRIS
FILM DAILY Staff Writer

While sources close to both Warners and Fox West Coast Theaters took the stand yesterday that the impasse between them still remains

(Continued on Page 6)

Motion Picture Pioneers Add Three to Exec. Com.

Leon Netter, Harry Buxbaum and Terry Ramsay were added to the Executive Committee (directorates) of the Motion Picture Pioneers at a

(Continued on Page 12)

COMMERCE DEPT. GETS ALLIED'S CODE VIEWS

Washington Bureau of THE FILM DAILY

Washington—Department of Commerce-film industry conferences on motion picture problems continued yesterday as Col. H. A. Cole, president of Allied states, joined with the

(Continued on Page 5)

UMPTO to Probe Pix Rentals; Gives Partial Favor to Code

Philadelphia — UMPTO Board of Managers, meeting here yesterday, heard a survey of 1939-1940 selling plans, appointed a committee to in-

(Continued on Page 6)

20th-Fox Victory in "Monte Carlo" Case of Wide Industry Importance

Rival GB, Odeon Circuits to Play 2 UA Pix Day-Date

Alexander Korda's "Four Feathers" and Samuel Goldwyn's "Wuthering Heights" will play simultaneously in all the Gaumont British and Odeon theaters under a deal

(Continued on Page 5)

London (By Cable)—The Privy Council yesterday dismissed the appeal of Francis Day & Hunter, Ltd., in an action against 20th-Fox arising out of the use of the title, "The Man Who Broke The Bank At Monte Carlo." After hearing counsel for the plaintiff The Privy Council decided it was unnecessary to

(Continued on Page 12)

Has Been Since Last March; Preference Motion Next Gov't Move

U. S. Attorney's office yesterday discovered to its surprise that the equity suit against the majors had been on the calendar since last March.

The case which has calendar No. 394 is at present 187 cases from the top of the calendar and, in the absence of preferential treatment, would reach trial in March or April, 1940.

Case was placed on the calendar when an answer was filed by Adolph Ramish on March 4, 1939, under

(Continued on Page 12)

GRIFFIS TO CONTINUE BRIT. TELE SCRUTINY

Combining a honeymoon with a business trip, Stanton Griffiths, chairman of Paramount's executive committee, sailed yesterday on the Queen Mary with his bride, the former Whitney Bourne. Griffiths and Miss Bourne were married yesterday

(Continued on Page 11)

Swiss Action on Quota is Regarded as Certain

Berne (By Cable)—Action is expected here momentarily on the establishment of a quota for foreign-made films imported into Switzerland. Consultations between the Government and the country's Film

(Continued on Page 5)

Threaten Writ to Enjoin Further "Rose" Exhibition

Chicago — Flat statement that Spitz & Adcock, counsel for Fannie Brice in her \$750,000 damage suit against 20th-Fox, et al, will ask for a sweeping injunction to prevent exhibition of "Rose of Washington

(Continued on Page 11)

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	13 1/2	13 1/4	13 3/8	— 7/8
Col. Picts. vtc. (2 1/2%)	10	10	10	— 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	
Con. Fm. Ind. pfd.	11 1/2	11 1/8	11 3/8	+ 1/8
East. Kodak	170	168 3/4	168 3/4	— 1 3/4
do pfd.				
Gen. Th. Eq.	11 3/4	11 5/8	11 5/8	— 1/4
Loew's, Inc.	45 3/4	44 3/4	45 3/8	— 3/8
do pfd.	109	109	109	— 1/4
Paramount	9 7/8	9 5/8	9 3/4	— 1/8
Paramount 1st pfd.	95	94 3/4	94 3/4	— 5/8
Paramount 2nd pfd.	10 7/8	10 7/8	10 7/8	+ 1/8
Pathe Film	10 1/2	10 1/4	10 3/8	+ 1/8
RKO	2 3/8	2 1/8	2 1/4	
20th Century-Fox	20 7/8	20 5/8	20 5/8	— 1/4
20th Century-Fox pfd.				
Univ. Picts. pfd.				
Warner Bros.	5 1/8	4 7/8	5 1/8	
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6546				
Loew's deb. 3 1/2% 46	103	103	103	— 1/4
Para. B'way 3555				
Para. Picts. 6555				
Para. Picts. cv. 3 1/4% 47	90 1/4	90	90	
RKO 6541	73 1/2	72 1/2	73 1/2	+ 6
Warner Bros. cv. 6539	90 1/4	90 1/4	90 1/4	+ 1/4
Warner Bros. dbs. 6548	90 1/4	90 1/4	90 1/4	+ 1/4

NEW YORK CURB MARKET

Monogram Picts.	1 7/8	1 5/8	1 5/8	— 1/8
Sonotone Corp.	1 1/2	1 1/2	1 1/2	+ 1/8
Technicolor	16 1/2	16 1/8	16 1/8	— 3/8
Trans-Lux	1 1/4	1 1/4	1 1/4	— 1/4
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

Pathe Film 7 pfd.		100	103
Fox Thea. Office Bldg. 1st '46		3 1/2	5
Loew's Thea. Realty 6s 1st '47		100 1/4	101 7/8
Met. Playhouse, Inc. 2nd deb. '45		68 1/2	70 1/2
Roxy Thea. Bldg. 4s 1st '57		65	67

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BRYANT 9-5600

COMING AND GOING

GEORGE J. SCHAEFER, RKO prexy, is due to arrive at the company's Coast studio on Monday.

EARLE W. HAMMONS, Grand National prexy, is scheduled to arrive in Hollywood within the next week.

AL WILKIE, Paramount's home office publicity manager, returns to his desk today, following press conferences in several Eastern keys.

HENRY GORDON, Paramount's manager in Central America, sails for Trinidad by way of Cuba on board the Veragua on Saturday, later going to his headquarters at Ancon, Central America.

CHARLES KRANTZ of Select Pictures left yesterday for a three weeks' business tour of the country, visiting the company's exchanges and calling on exhibs.

FRED W. WENTKER, assistant manager RCA Photophone division, is spending the week in the Kansas City territory.

WALLY CALDWELL, manager of Loew's Valentine Theater, Toledo, O., is a home office caller.

BEN RANGER of the St. Louis Amusement Co.; SAMUEL RESNICK of the Andover Playhouse, Andover, Mass.; JOSEPH BEAN of the Durfee Theater, Fall River, Mass.; MRS. E. A. ARMISTEAD of the Lyric Theater, Easley, S. C.; F. COWGILL of the Paramount Theater, Anderson, Ind., and S. KOMM of the Komm Circuit, St. Louis, were among the week's out-of-town callers at RKO Radio's World's Fair lounge.

MLLE. MARIE-JEANNE LUPPENS of the Kur-saal and Varia Theaters, Marchienne-au-Font, Belgium, is in New York and was a caller at the RKO offices.

JACK BENNY, who trained in from the Coast yesterday, will motor back, accompanied by JESSE BLOCK of Block & Sully.

HANK LINET escorted GEORGE RAFT into town from Albany yesterday; Raft has just completed "I Stole a Million" for Universal.

MAX SPRECHER, director of Monopol Films A.C., sailed for Rotterdam on the Queen Mary yesterday. While here he bought 30 pictures through his American representative, J. H. Hoff-oerg Co.

GENE AUTRY will arrive from the Coast at the Newark airport at 10:25 standard time, tomorrow on American Airliner, The Plainsman. He sails next Wednesday on the Manhattan for a p.a. tour of Great Britain.

UA Logical Capra Outlet, Robert Riskin Indicates

Distribution plans have not been set for the new Robert Riskin-Frank Capra producing organization, although conversations have been held with several major companies, it was stated yesterday by Riskin who sailed on the Queen Mary for a European vacation.

The new company will not start operating until late in the Winter, Riskin said, adding that no story has been selected for the lead-off picture. He would not comment on reports that United Artists would release the Capra-Riskin pictures, although he indicated that UA would be a "logical outlet."

"Succeed George Trendle? No," Says B & K's Platt

Chicago—Nat Platt, B & K district manager, yesterday denied reports current here as well as in New York and Detroit, that he would succeed George Trendle as head of United Detroit Theaters.

W. L. "BILL" JONES, national service manager for RCA Manufacturing Co., is visiting the Atlanta service district.

EDWARD G. ROBINSON arrives here from the Coast tomorrow, and sails for a vacation abroad after two weeks in the city.

LARRY BEATUS, Loew district manager for Westchester and Jersey, is vacationing with his family at Lake George.

STANTON GRIFFIS, chairman of Paramount's executive committee, sailed yesterday with his bride, the former Whitney Bourne, on the Queen Mary for London and the Continent.

EDWARD C. CAHILL, RCA Photophone division manager, has returned to headquarters at Camden following a week in the Boston and New York territories.

OSCAR A. DOOB, Loew advertising chief, is back at his desk after a down-at-the-farm vacation.

HERBERT P. SILVERBERG, film attorney, arrived in New York yesterday by plane from the Coast.

JACK RANDALL, Monogram star, is back at the Coast studios following a tour of the company's Eastern and Southern exchanges.

HAROLD LLOYD is back in Hollywood after an Eastern trip.

BLAKE McVEIGH has returned to Hollywood following a vacation in New York.

GRAD SEARS and BEN KALMENSEN are in Chicago to discuss a product deal with B & K.

A. H. BLANK and wife and RAYMOND BLANK of Des Moines; GILBERT COOKE, manager of the Mercer Square and Main Theaters, Greenville, Pa., and his wife; PAUL BALLENGER, assistant manager of the Strand, Spartanburg, Pa.; ALBERT HILL of the Carolina, Spartanburg, S. C., and DOUGLAS FINCH of the State, Spartanburg, S. C., were visitors this week at the Paramount lounge room.

Also visiting Para's World's Fair lounge were O. W. MONTGOMERY, JR., manager of the Victory, Salisbury, N. C.; IOLA E. LEHMAN, secretary to J. W. Denman of the Central States Theater, Corp.; Des Moines; VINCENT McFAUL of Buffalo, a Para. partner, and his wife; G. RALPH BRANTON and J. J. DEITCH of the Blank circuit, Des Moines; M. M. FEDERHAR, Akron, O., exhib.; and EMMETT BARNES, connected with the Joseph Weiss Theaters, McKeesport, Pa., and his wife.

Dunningcolor Deal Under Way in Great Britain

London (By Cable)—C. H. Dunning, president of the Dunningcolor Corp., is here from the United States negotiating for the use of his firm's color process with George Humphries, Ltd. Dunning states that prospects for early closing of the deal are bright.

If the deal is consummated, Humphries would install the Dunningcolor system in its laboratories and do the processing for British producers and also for imported color negatives.

Warners Converting Drews Into Series of 2-Reelers

Warners will convert the Nancy Drew series into two-reelers. Four of the Drews had been announced for next season. Bonita Granville and Frankie Thomas are appearing in the series. First picture under the new setup will be "Dangerous Nancy Drew," which goes into work late this month. Gordon Hollingshead will supervise.

Washington Variety Club Will Fete E. A. Lichtman

Washington Bureau of THE FILM DAILY—Washington—Testimonial dinner to celebrate the 50th birthday of A. Lichtman and his completion 19 years in the exhibition field, to be sponsored by the Washington Variety Club at the Willard Hotel, Aug. 11. Lichtman is chief bar of the group.

Rudolph Berger is chairman of sponsoring committee with Carl T. Barron, chairman of the entertainment committee and the following in the group: Harry S. Brown, A. Julian Brylawski, treasurer, Clark M. Davis, Archie D. Eng, J. Edward Fontaine; Samuel A. Gandy, chairman of the program committee; Edward J. Haley, Sidney Lust, Hardie Meakin, Joseph P. Magan; Alvin Newmeyer, toastmaster, John J. Payette, Frederick A. Roh, J. Louis Rome, Charles C. Schulman, Morris Simon and Samuel N. Wheeler.

Brit. Air Raid Precautions Hurting B. O.—Greenspan

Air raid precautions, which have been instituted in England as a move attending the chronic crisis in general European affairs, are having an adverse effect on film theater box-office returns, it was asserted yesterday by Eric Greenspan, England circuit manager for Columbia, who is in New York on a combination honeymoon and business trip. Recently, he disclosed, he married the former Marie Carson.

The four multiple-credit quota which Irving Asher is making his unit for Columbia release a budgeted, Greenspan said, at a minimum of \$1,500,000, and there are no plans formulated for Asher to use Hollywood talent.

This is Greenspan's first visit to the U. S. since joining Columbia. He and his wife expect to leave New York for London on July 26.

Birdwell Signed by RKO To Plug "Nurse Cavell"

George J. Schaefer, RKO Radio prexy, yesterday announced the closing of a special deal with Russell Birdwell and Associates of Hollywood and New York, whereby that firm will handle a special advance publicity campaign on Herbert Wilcox's "Nurse Edith Cavell," starring Anna Neagle. The Birdwell organization goes to work at once on the Wilcox production.

THE THEATRE

"A MUST GO ENJOY IT."
Walter Winchell
GYPSY ROSE LEE
Comedy Farce
with Music

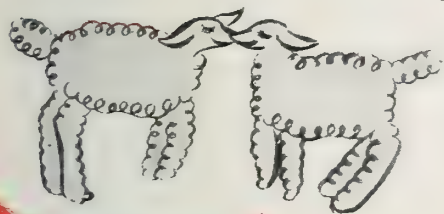
I MUST LOVE SOMEONE

with JAMES RENNIE—IRIS ADRIAN
Air-Conditioned and JACK WHITE
Vanderbilt, W. 48th St. Evs. 8:40
Mat. Wed. & Sat.

"Denver tops
all previous Hardys!
First 4 days beat
'Pygmalion,' 'Boys Town'
and biggest hits!"



"Hot weather
doesn't mean a thing
in Portland! And Capitol,
N.Y., biggest in months!"



"Playing day and date
in Los Angeles at State
and Chinese it's topping
the Hardy parade and
all Big Ones!"



"Detroit beats the
heat with biggest biz
of entire season. New
Hardy hit is best of
the whole series!"



"ANDY HARDY GETS SPRING FEVER" WOW!



with Lewis Stone,
Mickey Rooney,
Cecilia Parker, Fay
Holden • Screen
Play by Kay Van
Riper • Directed by
W. S. Van Dyke II
An M-G-M Picture

**SUMMER
BOOM!**

**SUMMER
SLUMP**

It's just ONE
of M-G-M's
multi-million-
dollar Summer
Festival of Hits!

NEXT PAGE, PLEASE!

(continued from preceding page)

NO MORE WRINKLES!

Leo's hot-weather parade of hits is the talk of the Industry!



ISN'T IT WONDERFUL!

M-G-M's Summer releases electrify every Film Row! Grateful showmen say "M-G-M's ready when a feller needs a friend!" Here are a few of the Summer Big Ones! It's all M-G-M as usual!

"ANDY HARDY GETS SPRING FEVER"

The Lucky Seventh Hardy Hit! A Summer life-saver!

"GOODBYE MR. CHIPS"

National Release of the Extended-Run Record Holder!

"THESE GLAMOUR GIRLS"

Lew Ayres, Lana Turner, Anita Louise, etc. Youth and beauty in sure-fire hit!

ROBERT TAYLOR HEDY LAMARR in

"LADY OF THE TROPICS"

Call out the cops!

And what company but M-G-M would give you a multi-million-dollar show in August like this Technicolor sensation!

"THE WIZARD OF OZ"

Watch for details of the Giant Ad Campaign in national magazines synchronized with simultaneous release in hundreds of theatres!

THE FRIENDLY COMPANY all year around!

COMMERCE DEPT. GETS ALLIED'S CODE VIEWS

(Continued from Page 1)

Government conferees to present Allied's views. Abram F. Myers, Allied General Counsel, did not accompany Colonel Cole to the meeting as was expected.

The same Government trio—Dr. Willard L. Thorp, Nathan D. Golden, and E. A. Tupper—talked with Cole for several hours in the Commerce conference room before the meeting adjourned. It is understood that Cole presented Allied's views on the Trade Practice Code and general reforms deemed necessary by Allied.

Golden, chief of the Commerce Department's Motion Picture Division, told THE FILM DAILY following the confab that the line of talk largely followed previous meetings with Harry Brandt and Ed Kuykendall. "We discussed general industry problems," Golden said, "and Colonel Cole gave us Allied's views on the matters under study."

Conferences continue this morning when Kuykendall leads a group of exhibitor leaders to another meeting with the Government officials. Among those who will accompany the MPTOA chief are Oscar Lam, representing Southeastern Theater Owners Association; Lewen Pizor, UMPTO prexy, Stanley Sumner, Cambridge, Mass.; Walter Vincent of New York and Sidney Lust, capital city independent exhibitor.

This will be Kuykendall's second visit. Commerce officials indicated Colonel Cole may return for another conference at a later date.

Names Group for Further Commerce Dept. Parleys

A committee to represent the ITOA at future sessions with the Dept. of Commerce was appointed yesterday at a meeting of the organization at the Hotel Astor. The group consists of Leon Rosenblatt, chairman, Arthur Rapf, Irving Rapf and Harry Brandt, the latter acting in an ex officio capacity.

The ITOA will call a special meeting in about two weeks to discuss the trade practice code, arbitration, film buying and United Artists' non-participation in the trade practice negotiations.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 20
Muriel Evans
Maurice Marks

ALONG THE



WITH PHIL M. DALY

● ● ● **INNOVATION**.....Loew's Theaters are departing from their rule of not advertising the actual starting times of shows.....in the case of "On Borrowed Time".....in all ads and publicity, the patrons are urged to catch the picture from the beginning, and they are given the specific starting times.....the announcements emphasize the "unusualness of theme and plot" making it essential to catch the flicker from the jump-off.....the innovation is a result of an editorial suggestion made in a recent issue of THE FILM DAILY.....Lou Brown reports that the managers of the Loew-Poli Theaters in New England went even further with the idea, and made announcements from their stages in advance..... Ben Simon, of Loew's Metropolitan, Brooklyn, has reproduced THE FILM DAILY review, and is sending it to a mailing list of 25,000.....

● ● ● **TWENTY** years in films.....and so they are honoring W. J. Hutchinson, Director of Foreign Distribution for 20th Century-Fox.....at the joint suggestion of President S. R. Kent, Managing Director F. L. Harley of Great Britain and European Manager Ben Miggins.....the Overseas Conventions being held this year in Paris and London are dedicated to Hutchinson..... he is one of the few men now associated with the company who has served successively and successfully as pioneer, district manager and executive leader.....

● ● ● **LANDMARK** changes.....the lobby of the Palace Theater on Broadway is about to be modernized.....the spot where in the old vaude days the headliners were wont to gather, is due for refurbishing.....and so this seems to call for a gathering of the oldtimers.....the stars who helped to make the Palace the leading vaudeville house are being invited to a farewell gathering in the lobby on Monday at 4 p.m.

● ● ● **RECEPTION**.....given by Republic in the Pine Room of the Warwick Hotel for Gene Autry.....tomorrow at 4:30.....Saturday has been named "Gene Autry Day" at the World's Fair.....Gene will spend the day there as the guest of Grover Whalen.....

● ● ● **AMAZING** how these brilliant ideas take root, grow, and blossom forth into overwhelming successes.....as in the case of the National Dunking Association...the purpose of which is to spread friendliness and good cheer through doughnut dunking.....the idea originated in Hollywood when Warners ran a doughnut dunking party last year.....plans for the organization call for a gala "National Dunking Association Day" at the World's Fair on Aug. 8.....there will be a world's championship dunking contest for boys and girls, with charter member screen celebs on hand as judges.....here may be the germ of an idea for exhibits, to use the Dunking Party to replace the B pictures.

● ● ● **SPECIAL** weekly screenings for leading exhibs. in the New York territory.....started by salesman John Dacey, who specializes in shorts and RKO Pathe News for the RKO Radio local exchange... ● We like that marquee sign on the Broadway Paramount: "The Magnificent Fraud" In Person, Bob Hope".....

SWISS QUOTA ACTION VIEWED AS CERTAIN

(Continued from Page 1)

Chamber have progressed rapidly and are reported to have been virtually concluded. Consequently, a decision on quota is looked for this week. Representatives of U. S. distribution interests have left here for Paris, having strongly advocated that import status remain as now constituted.

Rival GB, Odeon Circuits to Play 2 UA Pix Day-Date

(Continued from Page 1)

announced yesterday by Arthur W. Kelly, vice-president of United Artists.

Described by UA as the "most amazing circuit contract ever made" in England, the deal calls for the playing of the two pictures day and date even in those situations where the circuits are in direct opposition to each other. The terms for each film are reported the biggest ever to have been paid for a picture in Great Britain.

The so-called "barring clause," whereby each circuit demands a picture solely and exclusively for its own houses has been dropped for this contract.

Spring Fever in Title Only As New "Andy Hardy" Clicks

"Andy Hardy Gets Spring Fever" is off to a big start in its first key city openings, home office said yesterday. M-G-M's 7th in the Hardy Family series, the film in three days at the Michigan, Detroit, played to the best business since last November, topping "Idiot's Delight" gross for a like period. At the Orpheum, Denver, the picture did 102 per cent over normal biz. Four days at the Broadway, Portland, grossed better than seven days of "Tarzan Finds a Son," and "The Hardys Ride High." At the State, Los Angeles, first six days of "Spring Fever" beat seven days of the Christmas engagement of "Out West." Capitol, N. Y., premiere Tuesday marked the house's biggest opening in several months.

To Vote on Bargaining

Election will be held tomorrow from 1 to 1:30 p.m. to determine whether the American Federation of Bookkeepers, Stenographers and Accountants, Local 20940 A F of L will be bargaining agent in Paramount's warehouse here.

WEDDING BELLS

West Coast Bureau of THE FILM DAILY
Hollywood — Frankie Darro and Aloha Wray, actress, will wed here July 31.

« « « » » »

SKOURAS DENIES FWC AFTER FRISCO CHAIN

(Continued from Page 1)

in status quo, what appeared to be "checkerboard movements," reported as probably aimed at effectuating a peace pact, sprang into being on both Coasts.

Looming as most important were advices from San Francisco to the effect that Fox West Coast has made an offer to acquire the 17-house Blumenfeld circuit, headquartered there. Warners in late June announced the consummation of a product deal with Blumenfeld as one of the "selling away" moves against FWC.

Great interest is attached to the reported FWC negotiations to take over the Blumenfeld theaters, since, with this group, plus the Golden State circuit and the T. & D. Junior circuit in each of which FWC is said to have an interest, FWC would gain tremendous power and incidentally hold absolute control in several California spots,—for example Stockton, Berkeley, Sacramento and Oakland,—in addition to dominance in other areas of the State.

Charles P. Skouras, FWC president, now in New York, denied the Frisco reports yesterday, but industry observers cited that there may

San Francisco—Joe Blumenfeld says there are no grounds to the report that his circuit is in a deal with Fox West Coast and that no negotiations are pending.

very well be developments along this line.

It was pointed out there is the obvious fact that where WB product is sold away from FWC, it would be virtually a permanent arrangement, since the purchasing indie circuit, under the Trade Practice Code, could retain it, even though FWC agreed to restoration in its houses.

However, should FWC be currently serious about the acquisition of the Blumenfeld houses, there is to be considered the agreement between the Government and major companies, including affiliates, that would make it incumbent upon FWC, interlocked as it is with National Theaters and 20th-Fox, to report immediately to the D of J upon the effectuation of a legally binding commitment with Blumenfeld.

Lights Out

Crews of workmen were busy yesterday dimming the lights of Broadway. Recent enforcement of Building Department violations brought about removal of all temporary electric signs atop marquees. The huge electric letters were a big inducement in signing up "name" attractions. Now the boys are in a huddle figuring out ways of dressing up the house fronts and still remain within the law.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twentieth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 20

VI. JURISDICTION OF PARTIES, CHOICE OF PERMANENT OR SPECIAL BOARDS

No Arbitration Board (either Permanent or Special) shall hear a dispute unless each of the parties has done three things:

- (a) Signed the Trade Practice Code.
- (b) Complied with the "Agreement to Arbitrate" provision of the Code (see Article XV).
- (c) Signed the agreement of arbitration annexed to these rules.

List of Signatories: The Secretary of each Arbitration Board shall keep a list of the names and addresses of distributors and exhibitors in the Exchange territory who have agreed to arbitrate.

List Available: This list shall be available for inspection during ordinary business hours by any interested party.

Choice of Special Arbitration Board: Every dispute under the Code shall be submitted to the Permanent Arbitration Board unless one or more of the parties request a Special Arbitration Board. It is the intention that any party shall feel free to have a dispute submitted to a Special Arbitration Board.

Arbitration in the Interim: Until a Permanent Arbitration Board is established in an Exchange territory, all disputes shall be submitted to Special Arbitration Boards.

Powers of Board: An Arbitration Board shall have only the powers conferred by the Trade Practice Code and the Rules of Arbitration and every award shall conform with these documents.

(Twenty-first installment will appear in an early issue.)

UMPTO to Probe Pix Rentals; Gives Partial Favor to Code

(Continued from Page 1)

investigate the high cost of films with an eye toward a national move on the subject, considered the Trade Practice Code and indicated that it favored it although not as a complete solution for problems, announced that its members will be asked to favor the Industry's Golden Jubilee, empowered president Lewen Pizor to hop to Washington today for the Department of Commerce meeting, heard a financial report and voted to hold board sessions every second Tuesday, with all members invited to attend.

Saratoga Pix Houses Face Stock Opposition

Saratoga—Fred Ellis and Hope Lawder, with their Saratoga Players, are giving the Benton and Reade theater circuits here direct competition in the most profitable six weeks of the year, surrounding the horse racing period.

Joan Blondell and Dick Powell are to play "Burlesque" for the stock company the week of Aug. 8, with Edward Everett Horton preceding them by a week and Ethel Barrymore beginning July 25. Guest players are to be brought to the Spa, too, in the personages of Charles Boyer, Hedy Lamarr, Billie Burke, Kitty Carlisle and Alison Skipworth.

Tax Repeal Advanced

Quebec—The City Council has given first reading to a bill abolishing the ten per cent tax which caused the 11 theaters of the city to close for five weeks.

Minimum of 12 Features for Alliance Next Season

(Continued from Page 1)

land by BIP, will be distributed on a franchise basis, except in New York where Alliance will operate its own exchange, under direction of Arthur Greenblatt, assistant to Rogers.

Initial release is "The Warning," which has played the Loew circuit, and which will be sold separately from the announced 12. Second release will be "Black Limelight," starring Raymond Massey.

Following will be "Dead Men Tell No Tales," featuring Emlyn Williams and Hugh Williams; "The Housemaster," which stars Otto Kruger, supported by Diana Churchill and Phillips Holmes.

Program includes two Edgar Wallace Scotland Yard mellers, "The Terror" and "Mystery of Room 13." Otto Kruger and Gertrude Michael star in "The Hidden Menace," directed by Albert de Courville. "Black Eyes" will have Kruger and Mary Maguire in the leads.

Other titles are "Spies of the Air"; "Just Like a Woman," featuring Gertrude Michael and John Lodge with Paul Stein directing; "One Night in Paris," starring John Lodge and Hugh Williams; "Little Miss Molly," featuring Maureen O'Hara, and "Luck of the Navy."

Featurette and short titles announced include "Bonnie Scotland Calls You," "Come Back to Erin," "March of the Movies," "Tail Waggers" and "Pathetone Pictorials."

GN Pix Set at Rialto

GN's "Exile Express" will open at the Rialto on Broadway in early August.

GRIFFITH DEMANDS PARTICULARS BILL

(Continued from Page 1)

majors, combined with each other to monopolize first and second-run exhibition of motion pictures in the towns where the Griffith companies operate theaters. These are located principally in Oklahoma, northern and western Texas, Arizona and New Mexico.

One motion asking for a bill of particulars was filed by the Griffith Amusement Co.; Consolidated Theaters, Inc.; R. E. Griffith Theaters, Inc.; L. C. Griffith, H. J. Griffith and R. E. Griffith.

Separate motions were filed by Paramount, Metro and Loew's, Inc.; RKO Radio; Vitagraph, Universal, Twentieth-Fox and Columbia.

Although the distributor defendants filed separate motions, the motions were substantially similar.

Defendants' motions, ask among other things, that the Government inform them of

(1) The names and location of theaters which the government claims the Griffith interests have been able to take over or keep closed because of their alleged control of the territory;

(2) The times when and the circumstances under which each of the distributor defendants are alleged to have combined with the Griffith companies;

(3) The manner in which it is claimed that the Griffith companies were enabled to compel the distributor defendants to grant them exclusive privileges, as charged;

(4) The manner in which the exclusive privileges which it is claimed the Griffith theaters enjoy have prevented other exhibitors from obtaining enough first class pictures to operate their theaters;

(5) The name and location of each theater the government claims was unable to obtain enough first class pictures to operate successfully.

In the motion papers, the distributor defendants charge that the government has defined certain trade terms in an artificial way in its petition and ask: "that the plaintiff be required to state the definitions of said words and phrases as they are generally and commonly used in the motion picture industry."

UA, Columbia and Universal are represented by separate counsel and their motions differed in some particulars from those of the other distributors.

Defendants' motion is returnable July 27.

Oh, Yeah?

New Orleans—Unintentional humor in a marquee sign:

Paul Kelly in
"Within the Law"
\$240 Bank Nite



Everything the screen can
ever give you... All in one
Magnificent Picture... from
Alexander Korda....

N E V E R S U C H



Alexander Korda
FOUR

A PICTURE AS



presents

FEATHERS

IN TECHNICOLOR

**7,200 SECONDS OF BREATHLESS ENTERTAINMENT
PACKED WITH FLESH-AND-BLOOD EXCITEMENT!**



the blood-pounding story of a coward, his three friends and the girl he loved.

Kipling's famous Fuzzy Wuzzies, fiercest of African warriors, fighting on a battlefield ten miles wide.



four white feathers that sent him into a thousand perils to seek redemption.

1,800 camels in a frenzied stampede on the white man's stronghold.



Lord Kitchener's roaring victory at Omdurman photographed in actual locations with flaming realism.

the horrors of the fanatical Mahdi's hideous torture chambers never before revealed.



8,000 savage Dervishes filmed for the first time with every detail of their cruel warfare.

4,000 natives pulling flatboats up the treacherous cataracts of the Nile.



actual locations in the remote interiors of the Egyptian Sudan where the camera could only penetrate by plane.

EVERYTHING REAL! EVERYTHING TAKEN IN ACTUAL LOCALES! SIGHT AFTER SIGHT THAT THRILL-HUNGRY AUDIENCES HAVE NEVER SEEN BEFORE!

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presents

FOUR FEATHERS

IN TECHNICOLOR... Directed by ZOLTAN KORDA

with

RALPH RICHARDSON • C. AUBREY SMITH
JOHN CLEMENTS • JUNE DUPREZ

Adapted by R. C. SHERRIFF from the Novel by A. E. W. MASON

Released thru UNITED ARTISTS

Associate Producer IRVING ASHER

AFA MOVES TO ENJOIN AAAA IN UNION SCRAP

(Continued from Page 1)

Timothy J. Leary in N. Y. Supreme Court.

At that time the defendants are required to show cause why they should not be restrained from interfering with the "property, funds, documents and records" of AFA, and why the court should not issue an injunction restraining AAAA from soliciting AFA members to join the newly formed American Guild of Variety Artists; from threatening AFA members with punitive action for not joining AGVA; from threatening theatrical enterprises refusing to sign with AGVA; from soliciting persons or firms to break present AFA contracts; from proceeding under resolutions attacked in the suit, and from withholding "credentials, statements and documents showing the plaintiff's correct and true status."

A 21-page complaint accompanying AFA's suit charged the defendants with having formed a conspiracy to deprive AFA of its charter, and with having acted towards this end in an arbitrary and unconstitutional manner. Suit asks injunctive relief and requests adjudication that AFA is the only legal union in the field, that AFA and its members are entitled to receive all the benefits of their membership and their affiliation with the A F of L, a restoration of charter, and money damages against the defendants.

Defendants, in addition to AAAA, include Eddie Cantor and Alex McKee of AGVA; Arthur Byron, Paul Dulzell, Actors' Equity; Eddie Cantor, George Heller, American Federation of Radio Artists; Lawrence Tibbett, Frank LaForge, American Guild of Musical Artists; Arthur Byron, Paul Dulzell, Chorus Equity; Jean Greenfield, Reuben Guskin, Hebrew Actors' Union; Tibor Gaghay, Hungarian Actors' and Artists' Assn.; Ario Dramis, L. Rondine, Italian Actors' Union, and the Screen Actors' Guild.

Eastern Pa. Exhibs. Attend Philly "Beau Geste" Showing

Philadelphia—Leading exhibitors in Philadelphia and adjoining cities, representing nearly 200 theaters attended a special trade screening yesterday of Paramount's "Beau Geste" with which this film company will launch its 1939-40 season. This is the third of a series of special trade screenings. Picture was previously previewed in Albany and Boston and will be shown in all key cities within the next few days.

In addition to the Pennsylvania exhibitors, a number of film critics from the Philadelphia papers received a preview glimpse of this Gary Cooper-Ray Milland-Robert Preston starring picture. Among the exhibitors who were the guests of Branch Manager Earle Sweigert

REVIEWS OF NEW FILMS

"Winter Carnival"

with Ann Sheridan, Richard Carlson
United Artists 105 Mins.
STRONG COLLEGE INTEREST IN STORY
FEATURING DARTMOUTH WINTER CARNIVAL.

A lively story of college fun, being centered around the Winter Carnival of Dartmouth College. While perhaps not to be classed as a clear, logical and convincing story, the film has entertaining ingredients to make it good audience value, and does lack the silliness of most rah-rah yarns. Ann Sheridan arrives on the train from New York bringing a load of girls from the various Eastern colleges to attend the ice fun. Her younger sister, Helen Parrish, is aboard. It seems that Ann had had a romance with Richard Carlson, a young Dartmouth instructor, some years before, and gone off and married a Russian duke, from whom she has just been divorced. So the plot has Ann renewing her romance with Carlson, and they teeter back and forth on whether they should get married or not. Meanwhile, young sister Helen gets mixed up with a foreign count who has come over to compete in the ski events, instead of sticking with the college hero, James Corner, who is her "date" during the carnival. So we have the situation of the older sister saving the younger from making the mistake of grabbing a foreign title and deserting the homespun product as she did. While the romantic values are pretty well scrambled, the carnival events are very interesting and well photographed. There is newspaper interest injected with Robert Armstrong, an old alumnus, now an unemployed reporter, trying to grab a scoop on the story of the divorcee about to marry the old flame, the college prof, and show his son who is editor of the college paper how journalists really work on a story. Richard Carlson and James Corner are very effective in their roles. A bunch of Dartmouth students and guests add naturalness to the carnival scenes. Selling angles: the famous Dartmouth Winter Carnival; the college atmosphere and romances.

CAST: Ann Sheridan, Richard Carlson, Helen Parrish, James Corner, Robert Armstrong, Alan Baldwin, Joan Brodel, Virginia Gilmore, Cecil Cunningham, Robert Allen, Marsha Hunt, Morton Lowry, Jimmy Butler, Kenneth Stevens, Benny Drohan, Martin Turner.

CREDITS: Producer, Walter Wanger; Director, Charles F. Riesner; Author, Budd Schulberg; Screenplay, Lester Cole, Budd Schulberg, Maurice Rapf; Cameraman, Merritt Garstad; Editor, Dorothy Spencer.

DIRECTION, Good. PHOTOGRAPHY, Excellent.

RKO Signs Kay Kyser

RKO Radio yesterday confirmed the signing of Kay Kyser and his ork to appear in "That's Right, You're Wrong," tentative title for a film musical. Pix will go into production on the Coast in late August.

were D. W. Weshner, A. J. Vanni, J. Flynn, of Warner Bros.; L. Goldsmith, of the A. R. Boyd Enterprises; J. Fred Osterstock, of Wilmer & Vincent; Sam Varbalow, Ben Fertel, A. J. Fischer, Jr., Columbus Stamper, and Charles Goldfine.

"The Magnificent Fraud"

with Akim Tamiroff, Lloyd Nolan
Paramount 78 Mins.
PLEASING PORTRAYAL OF PICTURESQUE ROLE BY AKIM TAMIROFF.

One of those mythical South American republics is the locale of a highly colored story that seems to have been specially concocted to give Akim Tamiroff a field day in his particular sphere of acting. And he does nobly. In fact he is practically the entire show, with the exception of a very neat piece of work contributed by Lloyd Nolan. Tamiroff has a protean part in which he doubles for his own thespian role. This is brought about by the fact that as the dictator of San Cristobal, he is mortally wounded by a bomb. In the role of a visiting actor from Europe fleeing from a crime he is induced by the clever American lieutenant of the dictator, Nolan, to impersonate the dead dictator in order to go through with a loan of some millions of dollars which is to be negotiated with a representative of a New York banking firm arriving at the palace. Complications arise with another conspirator, Robert Warwick as the head of the army, who would like to be dictator, and from there on it is a battle of wits between Nolan and Warwick to outsmart each other. But Tamiroff squares everything by announcing at the grand ball as he signs the loan that will save his beloved country, that the minister of state, an honest man, will be his successor. Thereupon Warwick shoots the Magnificent Fraud. Meanwhile Nolan is in prison ready to be shot at the dictates of Warwick, but the new regime saves him in the nick of time. Highly colored meller of the Graustark school, with Tamiroff and his picturesque heroics making it palatable fare. Patricia Morrison is acceptable as the femme interest, the American fiancée of the banker who falls for Nolan the smoothie. Selling angle: picturesque acting of Tamiroff.

CAST: Akim Tamiroff, Lloyd Nolan, Mary Boland, Patricia Morrison, George Zucco, Steffi Duna, Robert Warwick, Frank Reicher, Donald Gallaher, Ernest Verebes, Robert Middlemass, Ernest Cossart, Ralph Forbes, Barbara Pepper.

CREDITS: Producer, Harlan Thompson; Director, Robert Florey; Author, Charles Booth; Screenplay, Gilbert Gabriel, Walter Ferris; Cameraman, William Mellor; Editor, James Smith.

DIRECTION, Fair. PHOTOGRAPHY, Good.

Threaten Writ to Enjoin Further "Rose" Exhibition

(Continued from Page 1)

Square" anywhere in the world was made here by Ely Fink of the Spitz & Adcock staff.

Named in the proceedings are: Midland Theater Co., operating McVicker's Theater, Mount Clare Theater Co., Greater Chicago Theater Corp., Essaness subsidiary; Schoenstadt Son's theaters, Warner Bros. Theaters, Inc., GCS theater circuit, Balaban & Katz circuit.

GRIFFIS TO CONTINUE BRIT. TELE SCRUTINY

(Continued from Page 1)

morning in a surprise ceremony at Locust Valley, N. Y.

It is understood that Griffis will devote some time to the television situation in England, following up his earlier study of tele developments there several months ago. They expect to remain abroad for three months, visiting the Continent before returning in late September.

Miss Bourne has appeared in several stage productions and has appeared in Paramount and RKO productions in the U. S. and made one picture for Gaumont British in England.

The wedding was held at the home of her step-father and her mother, Mr. and Mrs. Harvey D. Gibson, and was witnessed only by members of the immediate family. The ceremony was performed by the Rev. Henry Deyo of the Dutch Reformed Church in Locust Valley. Gibson is president of the Manufacturers Trust Co. and chairman of the finance committee of the New York World's Fair.

In addition to his Paramount post, Griffis is chairman of the board of Madison Square Garden Corp. and a special partner in Hemphill, Noyes & Co., as well as a director in a number of other corporations.



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DISCOVER EQUITY SUIT ON COURT'S CALENDAR

(Continued from Page 1)

Rule 8 of the Rules of Civil Procedure which reads as follows:

"Immediately after 20 days have elapsed since joinder of issue in all causes, the clerk shall notify the Calendar Commission. . . No notice of trial need be served and no note of issue need be filed in any cause."

On being advised that the case is already on the calendar, Paul Williams, Special Assistant U. S. Attorney General, it was understood, started preparing a motion for a preference which in all likelihood will be returnable before Federal Judge John C. Knox on Monday or Tuesday next. This motion, which requires two days notice, is expected to be served on all attorneys for majors tomorrow.

The application will be brought under Rule 20, Sub-division E, of the Rules of Civil Procedure which reads:

"The following causes shall be entitled to a preference . . . causes which, in the judgment and discretion of the Calendar Judge, are entitled to a preference for exceptional and meritorious reasons."

If the application is granted in the absence of any other direction in the order, the case will be placed at the bottom of the reserve calendar for a set day, according to the rules.

Ramish, who filed his answer, was named defendant as a member of the board of directors of Universal Pictures Co. It is ironical to note that the answer which caused the case to be put on the calendar states that Ramish was a director in 1936, attended only one meeting of the board at which nothing important was discussed; ceased thereafter to attend meetings; and contended that there was no reason for his being made a defendant.

Motion Picture Pioneers Add Three to Exec. Com.

(Continued from Page 1)

luncheon meeting in the Hotel Astor's Nimrod Room yesterday. Jack Cohn, organization's house manager (prexy), presided, with Herman Robbins, Hal Hode, Harry Buckley, Joe Hornstein and William Brandt in attendance. Full committee embraces 11.

Second meeting of the Pioneers will be held in September, and charter membership will remain open until that time. Next executive committee session is scheduled in two weeks. Elected to membership by the committee yesterday were:

Phil Reisman, William Fox, Joseph Rothman, J. A. Hopfenberg, Charles J. Gribbon, Lou Rydell, Bert Ennis, Adolph Haas, David A. Levy, Nat Beier, Elmore D. Heins, W. N. Skirball, Henri Elman, Alan Freedman and Morris Joseph.

A Better Break for Films . . . via American trade agreements

(Continued from Page 1)

motion picture film rather than on entertainment film. From the standpoint of the latter, the major benefit, under the trade agreements, has been the binding of existing quotas and conditions in countries where quota legislation was in existence.

THE result in each instance has been to assure American distributors that, during the life of the trade agreements, there will be no imposition of new impediments. Indeed, in many of the countries it is probable that the binding of existing treatment has been of greater value to the American industry than some reductions in the rates of import duty.

The French situation is an example in point. Binding of the existing treatment on American films precluded the application of proposed legislation which, in the opinion of competent Government observers, well might have practically excluded U. S. pix from France.

AS SUMMARIZED for THE FILM DAILY by Nathan D. Golden, chief, Motion Picture Division, Department of Commerce, concessions obtained in trade agreements on motion picture films to date are:

1. COLOMBIA		
Films, photographic plates of celluloid, sensitized, unexposed	Reduced	50%
Plates for X-rays	Bound	
Printed films for cinematographs	Reduced	62½%
Films for the popularization of scientific or educational matter	Reduced	84.4%
2. CUBA		
Sensitized films for cinematograph	Bound	
Cinematographic films, exposed or prepared for exhibition	Bound	
Films for cameras	Reduced	6%
	Prof. Incr.	5%
3. BRAZIL		
Films, cinematographic:		
Developed:		
Up to 16 mm.	Bound	
More than 16 mm. wide	Bound	
Unexposed:	Bound	
4. FINLAND		
Motion picture films, developed	Bound	
5. FRANCE		
Motion picture films	Bound	
	(Present exhibition status assured for American films)	
6. SWEDEN		
Motion picture films	Bound	
7. TURKEY*		
Exposed motion picture films	Reduced	5%
(*) Provisionally effective May 5, 1939.		
8. CANADA		
Moving picture films, positive, 1½ in. width and over, n.o.p.	Reduced	25%
Photographic paper and films	Reduced	20%
M. F. N. Treatment:		
Sensitized negative motion picture film	Duty removed	
Films for aerial photography	Duty removed	

THIS summary, important in itself as a record of achievement, is doubly so as an indication of what the industry might accomplish were it to seriously campaign for State Department assistance.

And, especially in these times, there is no American industry with a better claim upon the Government's good offices abroad.

Says "U" Doing Biggest Gross in History in Japan

(Continued from Page 1)

the government has eased the ban on American film imports to supply the demand. Permits for American pictures are now coming through and negotiations are pending for the renewal of the import agreement when the last permit is issued.

However, Daff said, new theater construction and alterations are at a standstill. Money for such purposes is being conserved for war purposes.

In China, Daff continued, the situation is somewhat different, although business in some of China's coastal cities is good. Refugees from the interior have migrated to the Coast, bringing a great deal of money with them and they are spending it in theaters, Daff said. However, the government has ordered theaters closed in Chungking, Chengtu and Canton and several of Universal's offices have been closed because of the ban.

Collapse of the national currency

in China has added another burden to the distributors, Daff said, inasmuch as their revenue cannot be increased to meet the situation.

Production is still active in Hongkong where about 15 pictures will be turned out this year. These pictures are limited in distribution to the Hongkong territory, Malaya and Dutch East Indies, Daff said.

American pictures dominate the screens in all countries in Asia except India, Daff stated. Only about 40 p.c. of the playing time is given to American product. Pictures made in India often run for a year in one theater, whereas an American picture seldom runs longer than two weeks even though they are much superior in quality.

Daff has been with Universal for 20 years, starting in Australia. His Far Eastern territory, which he has supervised for the last three years, includes Japan, Manchukuo, Korea, Formosa, China, Hongkong, Malaya, Siam, Dutch East Indies, Philippine Islands and India. He will be here for another two weeks.

FINDS FOR 20TH-FOX IN SONG TITLE CASE

(Continued from Page 1)

hear counsel for the film company and stated that they would file formal opinion later. This, in effect, sustains the U. S. major on all important points raised in the case. The decision is considered of great importance to the American film industry on its selection of titles for pix.

Hundreds of Thousands of Eng. Works Unprotected in Canada

The Monte Carlo case involved the question of the right to use titles in Canada. Twentieth-Fox made a picture entitled "The Man Who Broke The Bank At Monte Carlo." Francis Day & Hunter, Ltd., owner of the song of the same title brought an action for infringement and unfair competition in Canada. The lower court decided in favor of Francis Day & Hunter, Ltd. and awarded judgment in a sum of approximately \$1,000. An appeal was taken and the Appellate Court reversed the lower court and held:

1—There was no conflict in Canada between a song title and a motion picture title;

2—That although the Canadian Copyright Act states that a title of a work is protected as part of the work if the title is original and distinctive, the Appellate Court held there was no infringement of the title.

3—The third reason for reversing the lower court given by the Appellate Court was that the song itself, "The Man Who Broke The Bank At Monte Carlo," was in the public domain in Canada because of failure to comply with the Canadian Copyright Acts in effect at the time the song was written. The decision threw into the public domain in Canada all works that were published in England prior to Jan. 1, 1924, thus hundreds of thousands of English works apparently are now unprotected in Canada.

The Privy Council's action yesterday in dismissing the appeal of Francis Day & Hunter, Ltd., in effect upheld the ruling of the Appellate Court which favored the U. S. pix company.

Edwin P. Kilroe, Twentieth-Fox copyright adviser, who arrived in London this week to make a survey of European sentiment with reference to the conference to be held in Brussels in 1940 to amend the Berne Convention, was present at the Privy Council hearing.

Seletsky Now Manages for Rep. In New Haven

Sam Seletsky, as of Monday, last, took over post of manager of Republic's New Haven exchange, it was disclosed yesterday at the home office. Appointment was made by Herman Rifkin, New England franchise holder, who has both the New Haven and Boston territories.

Soundmen in Ultimatum-- Hollywood—H. V. Smith, business agent of Soundmen's Local 695 of the IATSE, has notified the MPPDA that an agreement must be signed no later than Monday guaranteeing that only soundmen who are members of that local will be employed to do sound work of any nature for the studios and that current negotiations for wages and conditions must be retracted to Mar. 15, 1939. IA officials state that M-G-M has complied with the ultimatum.

THE **Film** DAILY

Intimate in Character
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Court to Get RKO Underwriting Pact Within 10 Days FILMS FACE COAST GRAND JURY PROBE Columbia Is Denied More Specific Bill in Equity Suit

Company's Application Re-fused "in all respects" by Judge Clancy
Federal Judge John W. Clancy yesterday denied "in all respects" application of Columbia Pictures Corp. for an order requiring the Government to file and serve a more specific bill of particulars in the equity action brought by the D of C against the majors.
Columbia had also sought to
(Continued on Page 4)

REORGANIZE IMPPA; CHADWICK IS PREXY

West Coast Bureau of THE FILM DAILY
Hollywood—The Independent M. P. Producers Ass'n was reorganized yesterday. I. E. Chadwick was elected president, C. C. Burr, vice-president, and H. S. Webb, secretary-treasurer. These officials, together with Ben N. Judell, A. W. Hackel and Sam Katzman will comprise the executive committee.
Negotiations will be opened immediately with the unions and guilds
(Continued on Page 4)

July-August Production Peak Set by Paramount

West Coast Bureau of THE FILM DAILY
Hollywood—With 11 productions before the cameras at Paramount and seven starting during the next
(Continued on Page 4)

What????!!!!
Omaha, Neb.—Surprise was handed those who underwrote activities of the Chamber of Commerce attendant to the Omaha "Union Pacific" premiere, each donor being mailed a check for 20 per cent of his donation which went unused.

'Shekels' Held Lottery
Janesville, Wis.—"Shekels," a game offered by the Rex, State and Majestic theaters in Beloit, has been ruled a lottery and public nuisance by Circuit Judge Jesse Earle here. The theaters, operated by the Wisconsin Theater Enterprises, refused to discontinue the game following the recent anti-Bank Night ruling by the State Supreme Court.

ARBITRATION RULES MAY BE READY TODAY

Sales heads of the major companies are hopeful of completing the revision of the arbitration provisions of the trade practice code at their meeting scheduled for 10:30
(Continued on Page 4)

Universal to Have 16 Pix Ready When Season Starts

Thirty-nine of its scheduled 40 feature productions for the 1938-39 program have been completed by Universal and 16 of its 1939-40
(Continued on Page 4)

Given Court's Okay, New RKO Co. Will File at Once as Delaware Corp.

"Dr. I. Q." to be Dropped by B & K Chi. Theater

Chicago — By agreement between B & K's legal department and Barnett Hodes, corporation counsel, B & K will terminate the "Dr. I. Q." broadcast and question hour at the Chicago theater after next Monday.
Lottery case brought against B & K was dismissed when called before Judge Stephen Adamowski yesterday.

Charges of Labor Racketeering, Anti-Trust Law Violations and Income Tax Evasions Listed by Attorney General

By PRESCOTT DENNETT Washington Bureau of THE FILM DAILY
Washington—Attorney General Frank Murphy admitted at his press conference yesterday that the Department of Justice expects to begin soon a Grand Jury investigation at Los Angeles into "certain conditions in the motion picture industry." The grand jury will investigate charges of labor racketeering, anti-trust violations and income tax evasions, Murphy said.
Under the labor racketeering item,
(Continued on Page 4)

D OF C GETS AVERAGE EXHIBITOR VIEWPOINT

Washington Bureau of THE FILM DAILY
Washington — Ed Kuykendall, MPTOA prexy, yesterday led a group of exhibitors to the Commerce Department to present their
(Continued on Page 4)

Milwaukee Exhibs. Hope All Bingo Games Banned

Milwaukee, Wis.—Milwaukee county exhibitors are hopeful that the ruling by Circuit Judge Gustave G. Gehrz banning Bingo games at the
(Continued on Page 4)

PARA. ASKS DISMISSAL OF STOCKHOLDERS SUIT

Application was filed by Paramount Pictures, Inc., yesterday for a dismissal of the suit of Frank Jablow and Sam Acker, minority stockholders, on the ground that the suit is insufficient in law. Hearing is set for Aug. 6.
Claim is made that Paramount officers and directors were guilty of waste and mismanagement.

Reports of Woolf Tie-up False, Says Korda Cable

Alexander Korda yesterday cabled to United Artists an emphatic denial of the report that he is involved in a
(Continued on Page 4)

Loew's in Fortune
Forthcoming August number of Fortune will spotlight Loew's, Inc., with attention split between company's theater operations and the distribution and exploitation of Metro product. It's the second time that Fortune has given Loew's the o-o. Back in December, 1932, magazine considered Metro production.

THE **Film** DAILY
ALL THE NEWS
ALL THE TIME

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	13	13	13	— 3/8
Col. Picts. vtc. (2 1/2%)	10	9 3/4	9 3/4	— 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11 1/4	11 1/8	11 1/8	— 1/4
East. Kodak	169	169	169	+ 1/4
do pfd.				
Gen. Th. Eq.	117 1/2	117 1/8	117 1/8	+ 1/4
Loew's, Inc.	45 1/8	45 1/2	45 1/2	+ 1/8
do pfd.				
Paramount	9 3/4	9 1/8	9 3/8	— 3/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10 1/2	10 1/2	10 1/2	— 3/8
Pathe Film	10 3/8	10	10	— 3/8
RKO	2 1/8	2 1/8	2 1/8	— 1/4
20th Century-Fox	20 1/2	19 7/8	19 7/8	— 3/4
20th Century-Fox pfd.	30	29 3/4	29 3/4	
Univ. Pict. pfd.				
Warner Bros.	5	4 7/8	4 7/8	— 1/4
do pfd.	50 1/2	50 1/2	50 1/2	— 5/8

NEW YORK BOND MARKET

Keith B. F. ref. 6546				
Loew's deb. 3 1/2% 46	103	103	103	
Para. B'way 3555	50 1/4	50	50	— 2
Para. Picts. 6555				
Para. Picts. cv. 3 1/4% 47	89 3/4	89 3/4	89 3/4	— 1/4
RKO 6541	75	74	74 3/4	+ 1 1/4
Warner Bros. cv. 6539				
Warner Bros. db. 6548	90 1/4	90 1/4	90 1/4	

NEW YORK CURB MARKET

Monogram Picts.	17 1/8	17 1/8	17 1/8	+ 1/4
Sonotone Corp.				
Technicolor	16 1/8	15 3/4	15 3/4	— 3/8
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st 46		3 1/2
Loew's Thea. Realty 6s 1st 47		100 3/8
Met. Playhouse, Inc. 2nd deb. 45	68 1/2	70 1/2
Roxy Thea. Bldg. 4s 1st 57	65	67

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WITH PHIL M. DALY

● ● ● NOW there is to be a Leo Junior for the M-G-M trademark plug.....but Junior will function on the short subjects only.....his baby roar will be heard on the main titles of the Metro featurettes.....this three-months' old lion cub will be officially crowned at the World's Fair, and sent by airplane to the studio.....the ceremonies will take place at 12 noon in the Court of Peace tomorrow.....with speeches by Mayor LaGuardia and Grover Whalen.....among the guests will be James Stewart, Bert Lahr, Frank Buck, Johnny Weissmuller.....Ed Kuykendall will speak on the subject, "Short Subjects vs. Double Features".....on behalf of the MPTOA.....members of the Lions International will give Leo Junior a big sendoff, for they will come on to the Fair at the close of their annual convention in Pittsburgh.....

● ● ● MIGHTY spectacle.....those are the words to describe Alexander Korda's "Four Feathers".....with two of the greatest battle scenes ever projected in motion pictures.....depicting Kitchener's troops in the Sudan fighting the charging Dervishes thundering across the desert.....thousands of 'em.....coming straight towards the cameras.....if these scenes don't make your blood pound, nothing will.....in gorgeous Technicolor.

● ● ● CONGRATULATIONS.....to Sid Rechetnik of Warners' publicity staff.....from all the rest of the staff.....who have somehow learned that Sid will become a proud pappy some time in the fall.....they requested that congratulations be extended now, for in the fall they may be too busy to think about it.....being occupied with the regular production schedule....

Lasky and Troupe of 24 to Press Talent Search

West Coast Bureau of THE FILM DAILY
Hollywood—Jesse L. Lasky, heading a company of 24, including four screen personalities, will soon start on a p.a. tour of nine key spots in search of talent for the third "Gateway to Hollywood" radio-film tieup. Two candidates from each city played will appear in a fall air show elimination with the winners to be renamed Gale Storm and Terry Belmont and given term film contracts.

Tour opens at the Worth, Fort Worth, August 5; from there the group goes to San Antonio, Houston, Dallas, New Orleans, Atlanta, Washington, New York, and possibly Chicago. Accompanying Lasky will be Randolph Rogers, business manager, Dave Marshall, orchestra conductor, Roy Pomeroy, technical engineer, Joseph Wagner, radio sound effects, Edward Sobol and Mark Daniel, talent scouts, Terry Turner, advance representative, and Paul Snell, publicity rep.

"Bachelor Mother" as Single

RKO Theaters of the metropolitan district will break their split-week policy in order to play "Bachelor Mother" a full week. The week's run in 40 theaters around New York City will start on July 27.

NBC to Spend \$115,000 First Year for Tele Talent

National Broadcasting Co. will spend \$115,000 or more for talent for its first year of telecasting, it is revealed by a survey of talent costs. Weekly expense for live and film material for its tele programs varies from \$2,000 to \$2,500 of which sum about \$300 is spent for two feature films, with \$100 more for short films.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 21

Lenore Ulric Ken Maynard
Patricia Jane Berges Lawrence A. Urbach

JULY 22

Phillips Holmes Dan Totheroh
Fernando Mendez

JULY 23

Albert Warner Gerald K. Rudolph
Harry Cohn Roy Cozine
Florence Vidor Lewis Innerarity
Aileen Pringle Whitney Bolton
Joseph Seiden Gale Page

COMING AND GOING

NICHOLAS M. SCHENCK is due today from the Coast.

H. M. RICHEY, RKO's director of exhibitor relations, is on a trip to Indianapolis and Columbus.

GRACE ROSENFELD, representative for Hal Roach, is back from a Lake George vacation.

HANK LINET of Universal's publicity department returns today from Scranton where he held a rehearsal of "The Mikado" encore engagement.

LOU POLLOCK, Universal's Eastern *E*rising head, leaves tonight for the Coast.

JOE SEIDELMAN, Universal's foreign department chief, arrives this evening from Europe on the Ile de France.

MIKE SHATHIN, Warner sales manager in Japan, sails today on the Lurline from Los Angeles for home.

JOHN L. DAY, JR., Paramount's general manager in South America, who was scheduled to arrive in New York next Wednesday will arrive on board the S. S. Argentina Monday morning instead.

FAY BAINTER, upon completing her role in Paramount's "Our Neighbors—The Carters," will come East to appear in a stage play.

LEON G. TURROU, former ace G-man returns to New York today on board the Ile de France.

VICTOR FRANCEN, film actor, and CLIFFORD C. FISCHER, stage producer, arrive here today from Europe on the Ile de France.

FRANK ORMSTON, former assistant to Norman Bel Geddes at the New York World's Fair, has arrived in Hollywood to assume a post in M-G-M's scenic department.

"Roman Scandals" Action Will Go to Trial Nov. 6

Suit of Mort Eisman, Clara Delar and Robert Louis Shayon against UA, Samuel Goldwyn, Inc., Ltd., and Eddie Cantor, was ordered to trial on Nov. 6 by Federal Judge John C. Knox yesterday.

Action was previously dismissed by Judge John M. Woolsey who was reversed later by the Circuit Court, which ordered a new trial.

Complaint charges pirating of plaintiff's play "Oh, Shah" in the film "Roman Scandals."

8 Chi. Exchange Managers Subpoenaed in Evanston Case

Chicago—Federal subpoenas have been served on the eight managers of Chicago film exchanges and on Elmer Upton, B & K comptroller, and Sam Myers, indie exhib., to appear Thursday morning at 10 o'clock in Attorney Lewis Jacobsen's offices in the Frank Ford Stadium Theater (Evanston) case against B & K, Paramount Pictures and others.

THE THEATRE

"A MUST GO ENJOY IT."
Walter Winchell
GYPSY ROSE LEE Comedy Farce
with Music

I MUST LOVE SOMEONE
with JAMES RENNIE—IRIS ADRIAN
and JACK WHITE
Vanderbilt, W. 48th St. Evs. 8:40
Mat. Wed. & Sat.

"Heading for hefty profits!"

"Collecting heaviest sugar!"

"Nifty \$10,000!"

"Pacing the town!"

"Taking top money in town!"

"Cinch for two-week run!"

"Big; holding!"

"SECOND FIDDLE" HOLDOVERS!

4th WEEK NEW YORK. Only 8 other pictures in all Roxy history have had 4-week runs!

Now in 2nd week at: CINCINNATI, BOSTON, BALTIMORE, TORONTO, SEATTLE, ROCHESTER, SYRACUSE, NEW ORLEANS, HARTFORD, NEW HAVEN, RICHMOND, PROVIDENCE, CHICAGO.

it's 20th to the rescue every summer!



THE KEYSTONE
OF YOUR FUTURE

COL. DENIED MORE SPECIFIC EQUITY BILL

(Continued from Page 1)

strike out the Government's bill of complaint, and parts of the previous bill of particulars and for a further order to bar the Government from presenting evidence against Columbia during trial.

Judge Clancy stated that he thought there was "reasonable compliance with Judge Bondy's orders," and directed Columbia to serve its answer 10 days after a copy of the order was served upon it. This order, under the decision, is to be signed no later than July 26.

Columbia also lost its argument that the Government was barred from listing alleged monopolistic practices occurring in Texas because Columbia claimed these issues had been litigated in a Government anti-trust suit against the Interstate Circuit.

Milwaukee Exhibs. Hope All Bingo Games Banned

(Continued from Page 1)

Midsummer Festival here is broad enough to cover those sponsored by charitable, fraternal and religious organizations, which have been permitted to operate by law enforcement officials.

Judge Gehrz labeled Bingo as being "gambling plain and simple." Local exhibitors, prohibited from operating Bank Night, Hollywood, and similar games by a recent State Supreme Court decision, have been obliged to stand by while thousands of potential customers weekly went to neighboring churches and lodge hall to play Bingo.

The action is regarded as a retaliatory movement by small business men as well as exhibitors against discriminatory enforcement of the gambling laws which has operated to the detriment of retail merchants and theatermen.

Morristown, N. J.—Morris County this week became the third in the northern section of the state to ban all Bingo.

Indie MPPA is Reorganized; I. E. Chadwick is Prexy

(Continued from Page 1)

towards revised scales and conditions for independent producers. Henceforth the organization will make contracts with actors and technicians for all its members.

Members of the organization, it is stated, will spend \$1,400,000 on their pictures this year.

Huxley Pix to World

World Pictures Corp has acquired the distribution to the Julian Huxley film, "Monkey Into Man."

Nazi Pictures Dissatisfy Even Hitler So Goebbels Ousts Film Chamber's Prexy

Berlin (By Cable)—Rumblings of dissatisfaction of the Nazi Government with the quality of pictures turned out by German studios have reached the surface with announcement of the resignation of Dr. Lehuisch as president of the Reich Film Chamber, and his replacement with Karl Froehlich, the producer.

Even Chancellor Hitler is said to be dissatisfied with the German films and the report is that he and Dr. Joseph Goebbels have decided on the veteran Froehlich in the hope that the level of product will be raised.

Dept. of Commerce Gets Average Exhibitor Viewpoint

(Continued from Page 1)

problems and views on current trade matters with Dr. W. L. Thorp, Nathan D. Golden and E. A. Tupper. Accompanying Kuykendall were Oscar Lam, representing southeastern theater owners association; Lewen Pizor, UMPTO prexy, Stanley Sumner, Cambridge, Mass., Walter Vincent, New York, Sidney Lust, Washington exhibitor, Arthur Lockwood of Boston and William Crockett, president of the MPTO of Virginia.

The MPTOA chief told THE FILM DAILY the group was intended to be "representative of the average exhibitor" and pointed out that delegates were selected from various areas of the East to present all views.

Confab was of a general nature, Kuykendall said, lying before Government officials problems of blockbooking, trade practice code, declining b. o. receipts, etc.

No further confabs are scheduled now as Government representatives are now expected to devote some time to studying the views expressed by the exhibitors during the course of the meetings.

July-August Production Peak Set by Paramount

(Continued from Page 1)

four weeks, the studio currently boasts the most crowded schedule of any July-August period in history, William LeBaron, managing director of production, said yesterday.

"Remember The Night," starring Barbara Stanwyck and Fred MacMurray, which Mitchell Leisen will film starts Monday. "Typhoon," Technicolor production starring Dorothy Lamour, Robert Preston and Lynne Overman, which Louis King will direct, begins July 31.

Set to shoot in August are: "Emergency Squad," 9; "Victor Herbert," 14; "The Farmer's Daughter," 21; "The Broken Heart Cafe," 24, and "Strange Money," 31.

"Daughters" Beats Heat

Kansas City, Mo. — Warners' "Daughters Courageous," opening at the Newman here yesterday, ran ahead of "Dodge City" to set a new high, despite record heat.

Schreiber Dies in Crash

Omaha—M. E. Schreiber, exhib. at Wisner, was killed in an auto-truck crash near his home. Schreiber also was a prominent banker.

RKO Underwriting Pact to Court Within 10 Days

(Continued from Page 1)

new preferred and common stock and will be amended to include correct number of shares as soon as the number has been determined.

At the hearing, Rickaby stated that the underwriting agreement would be ready for the Court's examination and approval in a week or 10 days.

The hearing was adjourned to July 31 at 2:30 p.m., when it is expected that Judge Bondy will announce whether he approves of the agreement.

An application of Otto C. Doering, Jr., representing Irving Trust, trustee of the debtor, for permission to call a meeting of the four remaining directors of the old RKO company to fill vacancies in the board with new directors approved by Judge Bondy was granted without opposition, and Court stated the order would be signed at once.

Rickaby offered into evidence the proposed certificate of incorporation of the new company; proposed by-laws; forms of temporary preferred and common stock certificates; form of script certificates for functional shares of preferred and common; and a subscription warrant in registered form for new common stock to be issued through the underwriting agreement.

Universal to Have 16 Pix Ready When Season Starts

(Continued from Page 1)

product will be ready for release when the new season starts on Sept. 1, the company announced yesterday through Nate Blumberg, president. John Stahl's "Modern Cinderella" is Universal's 39th picture, while the 40th, "First Love," starring Deanna Durbin, is partially completed.

By operating at capacity during summer months, and using its two new and recently-completed sound stages, Universal expects to start off its 1939-40 distribution with more important pictures in the exchanges than at any time in years. First picture on the new lineup will be the Joe Pasternak production, "The Under Pup," which has been completed and is in the cutting room.

Valos Planning Circuit

Chicago—Thomas K. Valos, booker for the Alliance Theater Corp., has acquired the 700-seat Geneva Theater at Geneva and plans to add other houses.

FILMS FACE COAST GRAND JURY PROBE

(Continued from Page 1)

the Government men will probe into the so-called William Bioff affair last year it was disclosed.

(Jeff Kibre, acting for the Motion Picture Technicians Committee, filed charges with the NLRI in September, 1938, to the effect that William Bioff, then persona representative of George F. Caine IATSE prexy, on the West Coast, had been paid a \$100,000 "bribe" to give the Association of Motion Picture Producers control of the four IA studio locals. The charges were promptly branded "ridiculous" by Joseph M. Schenck, AMPP prexy and Pat Casey, MPPDA labor contact, while Bioff dismissed them as "wholly unfounded").

The income tax evasion charges which have been reported pending before are expected to take in mostly high salaried executives and stars.

Murphy declined to amplify on this statement or give the date when the grand jury investigation will get under way.

(D of J pix industry investigation on the West Coast has been in progress for approximately three years, with Albert Law and Harold Collins of the anti-trust division, headed by Thurman Arnold, Assistant Attorney General, in charge. One angle—but only one—has been situation arising from alleged violation of a 1932 consent decree. Law and Collins recently came to Washington for "home office" conferences, following Murphy's trip to the Coast).

Reports of Woolf Tie-up False, Says Korda Cable

(Continued from Page 1)

deal with Charles M. Woolf, whereby the latter would release a group of Korda's pictures. Korda stated that such a deal had never been contemplated.

According to a printed report from London, Korda was close to a deal with Woolf for the release of six high-budgeted pictures and that the plan included a provision by which Universal would advance the money for release of the pictures in the U. S.

Revision of Arbitration Rules May be Ready Today

(Continued from Page 1)

o'clock this morning. It was reported yesterday that a plan which the sales heads believed will be agreeable to all concerned has been devised and the finishing touches to the draft will be added today.

W. F. Rodgers, spokesman for the distributors, and Ed Kuykendall, MPTOA president, are slated to resume their conference on code matters on Monday. Kuykendall is due to return from Washington late this afternoon.

THEATER CHANGES

Theater Closings—Openings—New Houses—Renovations—Ownership Changes

A Nation-wide Survey of Theater Conditions Conducted Exclusively for THE FILM DAILY by

ROSS FEDERAL SERVICE, INC.

Theater Closings

ARKANSAS

MA—Lil (7-1-39); Owner: Mr. Gw. ey; Did not wish to install cooling system this Summer.

Norphlet—Neu (6-1-39); Owner: G. B. Wilks.

FLORIDA

Orlando—Rialto (7-15-39); Owner: Sparks Enterprises; Remodeling work.

MICHIGAN

Saginaw — De Luxe (6-12-39); Owner: Wm. H. Cassion; Closed for Summer.

Dubuque — Orpheum (6-25-39); Owner: Associated Theaters; Poor business.

OHIO

Oklahoma City — Pix (7-1-39); Owner: T. B. Noble, Jr.; Renovation.

PENNSYLVANIA

Archbald—Grand (July 21); For Summer.

TEXAS

Nocona—Nocona (6-11-39); Owner: Lutzer Bros.; Destroyed by fire.

UTAH

Salt Lake City—Studio (6-7-39); Owner: Intermountain Theaters, Inc.; Fire destroyed sound and interior.

Salt Lake City—Paramount (6-23-39); Owner: Intermountain Theaters, Inc.; Summer season.

WEST VIRGINIA

Davy—Palace (5-24-39); Owner: L. E. Rodgers; Not enough business.

WYOMING

Midwest—Midwest (7-1-39); Owner: Rialto Theaters, Inc.; Renovation.

Theater Openings

FLORIDA

Orlando—Roxy, 800 to 1,200 seats (7-16-39); Owner: Sparks Enterprises; House Manager: Mr. Vincent; Previously closed Spring, 1938.

IDAHO

McCall—McCall, 250 seats (6-10-39); Owner: M. R. Bonecher; House Manager: M. R. Bonecher; Previously closed Sept., 1938.

IOWA

Burt—Royal, 285 seats (5-27-39); Previously closed 2-15-39.

NORTH DAKOTA

Marmath—Palace, approximately 200 seats (6-1-39); Owner: C. C. Erickson; Previously closed 3-1-39.

UTAH

Salt Lake City—Studio, 450 seats (6-23-39); Owner: Intermountain Theaters, Inc.; Previously closed 6-7-39.

Salt Lake City — Capitol, 1,400 seats (7-14-39); Owner: Intermountain Theaters, Inc.; Previously closed last Fall, 1938.

Logan—Capitol, 1,440 seats (opening late this Summer); Owner: Intermountain Theaters, Inc.; House Manager: Earl Baughman; Previously closed 4-30-39.

Logan—Lyric, 586 seats (opening late this Summer); Owner: Intermountain Theaters, Inc.; House Manager: Earl Baughman; Previously closed 4-30-39.

New Theater Openings

ARKANSAS

Sparkman—New, 225 seats (6-1-39); House Manager: James Taylor.

IDAHO

Cascade—Roxy, 400 seats (7-2-39); Main St.; Builder: Maxfield & Smith; Cost: \$7,000; House Manager: Forest Robb.

Tedyard—Tedyard, 275 seats (5-27-39).

INDIANA

Francesville—Devon, 400 seats (6-14-39); Builder: E. E. Smith; Architect: Leonard & Wolfe; Cost: \$30,000.

MONTANA

Sheridan—Sheridan, 306 seats (6-22-39); Main St.; Cost: \$17,000; House Manager: M. P. Schneider.

Theaters Planned

ARKANSAS

Altus — Altus, about 250 seats, Main St.; Builder: J. P. Baker; Cost: \$2,000.

INDIANA

Michigan City — Lido, 900 seats, Franklin St.; Architect: Wm. L. Pereira; Cost: \$150,000; Operator: Dune-Lake.

Plymouth—New, 650 seats, La-porte and Michigan Sts.; Cost: \$75,000; Operator: S. B. Reese.

IOWA

Burlington—New, 500 seats, Jefferson and Fifth; Architect: Wetherell & Harrison; Cost: \$50,000; Operator: Central States Circuit.

NORTH CAROLINA

Maxton—Maxton, 300 seats, City Square; Builder: M. S. Weaver; Architect: M. S. Weaver; Cost: \$3,500; Operator: James Finch.

PENNSYLVANIA

New Cumberland—New, Bridge St. between 3rd and 4th; Cost: \$53,000; Operator: Frank Firestock.

TENNESSEE

Lafayette — Macon, 500 seats; Builder: Smith Bros.; Cost: \$8,000.

Theaters Under Construction

ALABAMA

Prichard—Gem, 480 seats, Wilson Ave.; Builder: L. Harris; Operator: Chas. Waterall; To be completed 9-1-39.

ARKANSAS

Little Rock—Highland, 800 seats, 3818 West 13th St.; Builder: G. W. May; Architect: Corgan & Moore; Cost: \$20,000 or more; Operator: Robb & Rowley; To be completed Sept., 1939.

CALIFORNIA

Oildale—River, 900 seats, Chester Ave. at El Teton; Builder: Banducci & Lamucchi; Cost: \$35,000; Operator: Jim Banducci; To be completed late August or early September.

FLORIDA

Jacksonville—Jackson, 625 seats, Main St.; Cost: \$25,000; To be completed Aug. 15.

INDIANA

Garrett—New; Builder: Kalifat; To be completed by Fall.

IOWA

Pocahontas — New Rialto, 430 seats, Buehla Ave.; Builder: Kuchara Construction Co.; Cost: between \$25,000 and \$35,000; Operator: Jack Bouma; To be completed about Aug. 1.

KENTUCKY

Vanceburg — New Kentucky, 400 seats; Builder: Jack Stamper; Architect: Verville; Cost: \$30,000; Operator: Neal Hubbard; To be completed 10-1-39.

MICHIGAN

Three Oaks—Lee's, 400 seats, Elm St.; Operator: Mr. and Mrs. Frank Lee; Not definite as to completion.

NORTH CAROLINA

Reidville—New, 450 seats, Scales St.; Builder: W. H. Hendrix; Cost: \$40,000; Operator: W. H. Hendrix; To be completed Sept. 15.

Renovations Planned

CALIFORNIA

Ventura—Mission; Work Planned: Enlarging, new fixtures, redecorating, new heating and ventilating system; Owner: Mrs. Dodge; to be completed; Will be closed six weeks.

IOWA

Washington — State; Work Planned: Redecorating; Owner: Pratt Bros.; Date to be completed not known.

Lakota—Lakota; Work Planned: New exits and partial renovating; Owner: Cecil H. Alexander; To be completed 7-31-39.

OHIO

Xenia—Ohio; Owner: Hatcher. Georgetown—Arcade; Work Planned: Theater has been completely remodeled; Owner: Hewitt.

PENNSYLVANIA

Harrisburg — Rialto; Work Planned: New floor, new lounge rooms, etc.; Owner: Mr. Marcus Nat'l Amusement Corp.; To be completed 7-21-39.

WYOMING

Midwest — Midwest; Work Planned: Extensive improvements and bringing equipment up to date; Owner: Rialto Theaters, Inc.; Not disclosed when to be completed.

Change in Ownership

ARKANSAS

Magnolia—Macco, transferred to W. P. Florence Rob & Rowdy by W. P. Florence; House Manager: W. P. Florence.

CALIFORNIA

Wasco — Wasco, transferred to Frank Panero by Seelee Theater Co.; House Manager: L. H. Wall.

COLORADO

Otis—Sun, transferred to Arthur Jackson by A. C. Mazanek; House Manager: Arthur Jackson.

MICHIGAN

Reed City—Strand, transferred to H. Schuckert by Roy Portee.

MISSISSIPPI

Rosedale—Rosedale, transferred to Miss Anne Lobdell by C. E. Westbrook.

Shelby—Shelby, transferred to Albert Cohen by C. E. Westbrook.

OHIO

Dover—State, transferred to Shea Theater Corp. by Ross Spidell and Chester E. Huprich; House Manager: Huprich.

Dover — Nugent, transferred to Shea Theater Corp. by Ross Spidell and Chester E. Huprich; House Manager: Huprich.

Columbus — Olentangy (formerly Piccadilly), transferred to Virgil Jackson and J. A. Murphy by Arden Amusement Co.

PENNSYLVANIA

Paxtang—Paxtang, transferred to Roy V. Osman by Gottdinger Furniture Co.; House Manager: A. W. Church.

VERMONT

East Arlington—Arlington, transferred to Mr. Bird by Erver & Bird; House Manager: Bird.

WYOMING

Midwest—Midwest, transferred to Rialto Theaters, Inc., by Stanolind Oil & Gas Co.

THEATERS

- AIR CONDITIONING
- COOLING EQUIPMENT
- PROJECTION

EQUIPMENT

THEATERS USE NEW WESTINGHOUSE UNITS

Installation in film theaters of a number of the new Westinghouse 10 and 15-ton capacity, self-contained air-conditioning units of the central plant type recently announced, is reported by the company.

Organization's engineers assert that it is perfectly practical to install two or three of these units, since, from experience, it has been demonstrated that the cost of installation is reduced as much as 25 per cent due to the fact that the equipment is manufactured in the plant and is shipped all ready for installation, which requires only water and electrical connections, and the connections to the duct system.

Another feature of these units is that they may be installed in unventilated spaces since the compressors are powered by Westinghouse motors which are cooled by the refrigerant gases.

Also it is perfectly practical to move them to new locations should the occasion arise.

The new compact ceiling-mounted Unitaire might also have theater applications in small stores which often are to be found in theater buildings. Frequently it is not practical to air-condition such spaces from the regular theater system.

New 'Mirro-Claric' Soundhead

New type wide fidelity "Mirro-Claric" theater soundhead is announced by the S.O.S. Cinema Supply Corp., 636-11th Avenue. Before general production commenced, the new model, known as the "Gyro-Stabilizer" underwent a thorough test period of eight months' continuous operation in the S.O.S. laboratories, it is stated.

RCA Portable Turntable

A portable two-speed turntable, which provides both recording and instantaneous playback of 16-inch records through any public address system when used with a recording attachment, is announced by RCA Victor.

New Lens Camera Firm

Chicago—P. L. Mann, G. R. Silverstone and M. Gill have formed the International Photographic Industries with offices at 512 S. Peoria St. to manufacture and sell lenses and cameras.

Install New Rectifier

Detroit—A new type projection rectifier recently placed on the market by National Theater Engineering Co., has been installed in Fred DeLodder's Maxine Theater here.

Illuminated Floor

Detroit—William A. Cassidy is completing remodeling of the Strand Theater at Alma, with Bennett & Straight, of Dearborn, as the architects. Unique feature is the latest type of fluorescent lighting, with lobby floor illuminated. This is accomplished by placing varicolored lights under heavy frosted glass plates.

New Modernistic Entrance For Broadway's Palace

Broadway's RKO Palace Theater, erstwhile ace vaude house which for the past several years has operated on a pix policy exclusively, is to have a new modernistic entrance.

Remodeling operation will see the marble walls, ceiling, floor, chandeliers,—and the frames which bore billing and photos of vaudeville's "greats,"—ripped out and replaced in the outer lobby by granite floor, black base, and natural white walls. All-glass doors, first to be installed in any theater, RKO asserts, will admit patrons to inner lobby. Latter is to have indirect lighting revealing walls of zebra wood with black marble base. Additionally, house will have new marquee.

Automatic Devices Co. Equips Fair's Exhibits

Total of 48 units, comprising steel curtain tracks and automatic curtain machines, have been supplied to industrial and governmental exhibits and amusement concessions at the New York World's Fair by the Automatic Devices Co., Allentown, Pa., whose products are widely used in film theaters.

Included among the installations are buildings of the General Electric Co., State of New York, Argentine Government, Strange As It Seems, General Motors, We Humans, City of New York, Gang Busters, and Whirl of Death.

Mogull's Foreign Biz Up

Mogull's, Inc., recently made metropolitan distributors for Duplex 16mm. sound-on-film projectors, reports marked increase in foreign biz, particularly in South Africa, New Zealand and Egypt. The second edition of its quarterly tabloid has just been published and lists 1350 items of photographic and cinematic merchandise.

Motiograph Names Distrib.

Announcement of the appointment of Becker Theater Equipment Inc., 492 Pearl St., Buffalo, as authorized distributor of its products—Motiograph Projectors and Mirrophonic De Luxe Sound Systems—in the Buffalo Film Territory, is made by Motiograph, Inc.

KISCO CO. MARKETING LOW-COST COOLERS

Efficient, low-cost and novel cooling devices which incorporate variable speed fans are being marketed



on a wide scale by the Kisco Co., Inc., of St. Louis, under trade name classifications of Cool-Circle-Ator and Circulair.

Devices are obtainable for film theater lounges, rest rooms and executive offices in a variety of unusual and utilitarian designs, including a high pedestal type, decoratively and closely resembling a modern tall floor lamp.

There are other models, notably the "Senator" and "Mercury," which are fashioned as ash-receivers; and a table, also is offered under the designation of "Utility," illustrated here.

Into these various units are ingeniously built the fans themselves designed to meet the need for an effective portable air recirculator.

Cobb Named GTSC Exec.

New Orleans — William H. Cobb, former exhib. and recently connected with Joy Houck's Joy Theaters, has been appointed vice-president of the Gulf Theater Supply Corp. Houck is also interested in Gulf with Levere Montgomery, booker for Theater Service Corp., a buying and booking outfit.

Form Hydro Kool Products

Chicago—C. B. O'Hara, J. L. Hancock and J. Hummel have organized the Hydro Kool Products Co. with offices at 1414 S. Michigan Ave., to manufacture and distribute cooling equipment.

Schlaifer at the Helm

Chicago—Edward N. Schlaifer has taken over the management of Colortone Sales Corp. He reports National Theater Supply is now handling Colortone Daylite shutters in various territories.

Allied Seating Catalog

Allied Seating Co., Inc., has issued a new illustrated catalogue showing a complete new line of theater chairs.



NEW

For The

By GEO

Equip Erem

A NEW air conditioning unit, under the trade name, Trane Co., headquartered in

This unit, representing a tinct advance both functionally in design, incorporates all the chanical essentials for the provision of chilled water for air conditioning, company's engineers point

Installation of the Trane Turvac does not call for highly technical knowledge, since the contractor supplies the necessary water connections in addition to a simplified power hookup.

Cold water for cooling and water for heating can be utilized from the same extended surface

THE Turbovac is a hermetic sealed low pressure water cooler. Within a heavy steel casing contains a compressor of the trifugal type, using a volatile frigerant of the Freon family. All the necessary parts of this water chiller are combined in complete compact unit.

Because it is practically impossible to build a unit of this with leak-proof joints when source of power is on the outside of the unit, Trane engineers designed the Turbovac Water Cooler with the motors inside the unit and with the entire unit hermetically sealed. Thus, air, the fa

General Electric Makes Exec Personnel Chan

New division of executive responsibilities, in wake of recent combination of General Electric's air conditioning and commercial refrigeration department, is announced by St. M. Crocker, department manager. Harold T. Hulett has been named sales manager in charge of distribution activities; Elliott Harrington product sales managership; and Martin, Jr., manager of installation and service division.

Glenn Gundell will continue manager of ad and sales promotion division, plus direction of training and the G-E Air Conditioning Institute.

MENT

STUDIOS

- FURNISHINGS
- CARPETING
- SOUND SYSTEMS

UNIT

Conditioning

IS *THE FILM DAILY*

ch cuts down capacity, is eliminated.

Refrigerant has a 120 degree boiling point at atmospheric pressure which means that the entire unit is operated under a vacuum which eliminates heavy sections usually necessary to withstand excessive pressure.

There are only two moving parts, —the motor rotors; hence, friction is held at a minimum, thereby ensuring long life. An ingenious arrangement has been worked out, as is cited, whereby the compressor is powered by two motors of equal horsepower than the one of greater horsepower. This makes it possible to cut in one motor at a time, thereby reducing the load on the line and making starting easier. At present available in one size with capacity ranges from 65 to 80 tons, the Trane Turbovac is light weight and free of vibration. Other attributes enable its installation in a wider range of locations than similar equipment, company reports.

In the near future, units of 100, 150 and 200-ton capacities will be added to the manufacturer's line. Present unit is approximately 10 1/2 feet long, eight feet high and four feet wide. Weight is slightly more than 12,000 pounds. Motors, specially manufactured, are mounted from the outside of the unit when it is in operation.

Bell & Howell Announces Appliance Field Advances

Five distinct advances in the film photographic appliance field are announced by Bell & Howell through their headquarters in Chicago, namely: the new Tru-Pan Tripod for 8 mm. movie camera users; new focusing Alignment Gauge for use with the Filmo Turret 8 for close-up photography; the Hyper Cinor Lens Attachment for wide-angle work; a new two-inch viewfinder objective for use with available two-inch telephoto lenses; and a new direct focusing finder which fits Filmo 141 magazine changer for exact focusing and framing.

ELECTRONOME DEvised AT STUDIOS' REQUEST

Fred Gretsch Mfg. Co. of Chicago and Brooklyn, at the request of film studio interests, has devised for the companies Franz Electronome, which is a highly accurate and electrically operated metronome, a special scale for studio use that is more practical than the regular scale graduated for musicians' purposes.

The Electronome is powered by the finest synchronous electric motor it is possible to make, say the manufacturers. Instrument's speed will not vary more than 1/120 of a second, — a deviation imperceptible by the human ear.

New Brenkert Projector Nears Marketing Stage

In keeping with policy since organization's inception, of aiding filmland by developing top-quality equipment and controlling manufacture in their own plant, Brenkert Light Projection Co. announces that in the near future it will place on the market a professional type 35 mm. motion picture projector complete for use in motion picture theaters.

Projector, it is stated, will carry many new Brenkert developments and is being engineered in every detail by Brenkert under own precision standards and patents.

Equipment will be on display in various stores of organization's distributors throughout the country.

Mork-Green Studios Busy

Detroit—Mork-Green Studios is installing drapery and allied equipment at the new Century Theater, Coopersville, Mich., for Thomas Hefferan; new house for Ashman Brothers at Caro, Mich.; Capitol, at Lansing, for Butterfield Circuit; new Regent at Allegan, Mich., for Butterfield; Globe, Detroit, for William Schuttenhelm; Greystone, Detroit, for Anthony Dubiel; Garden, Frankfort, Mich., for Mrs. Custer Carland.

GE Lamp Merger

The General Electric Vapor Lamp Co. of Hoboken, has been merged with the Incandescent Lamp Department of General Electric Company, Charles E. Wilson, executive vice-president of General Electric, announces.

NSS Completes Two Jobs

Novelty Scenic Studios, Inc., has just completed decorations, draperies, wall materials and murals at the Palace Theater in Baldwinsville, N. Y., and the Shore Theater in Cleveland.

Fill Navy Order

Chicago — Motiograph has just completed delivery of 35 complete projection systems to the U. S. Navy for ships and shore stations, at cost of \$40,000. Company reports business at high levels.

600 Seat House to be Erected In Cromwell

Boyd Construction Co., of New York, will break ground shortly for a 600-seat film theater to be erected in Cromwell, Conn.

House will be air-conditioned and will have as a convenience to patrons a 250-car free parking lot.

Berk & Krumgold, theater brokers, are currently negotiating a lease with one of their clients.

York's Sales Volume Soars

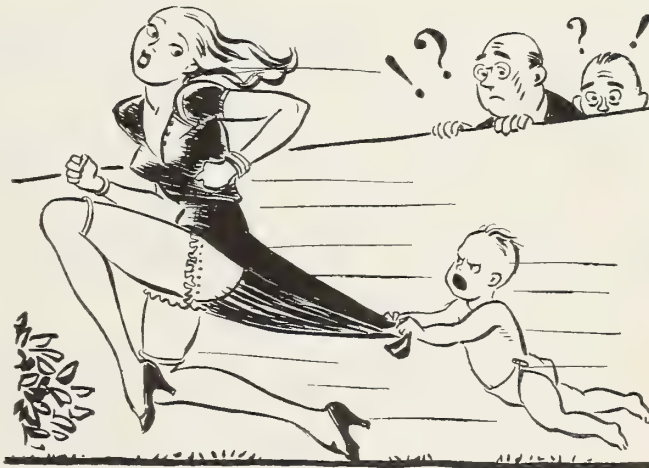
York, Pa.—The sales volume of York Ice Machinery Corp. for June jumped 32 per cent over the corresponding month of last year, W. S. Shipley, president, announces in a letter to stockholders. York's fiscal quarter ending June 30 shows sales of \$4,197,624, or 7 per cent greater volume than the same period last year.

NAT'L SIGN ASS'N SETS CHI. MEETING

Chicago—Annual convention of the National Sign Association will be held at the Stevens Hotel, Aug. 22-24. More than 50 companies will have displays at the Sign Exposition held in connection with the convention. Many leading firms, selling the film trade, will have large displays of their lines, including the Westinghouse Electric and Mfg. Co., East Pittsburgh; Thordarson Electric Mfg. Co., Chicago; Sherwin-Williams Co., Cleveland; Sangamo Electric Co., Springfield, Ill.; General Scientific Co., Chicago; Adler Sign Letter Co., Chicago; W. A. Barrows Porcelain Enamel Co., Cincinnati. L. C. Marshall has charge of the exhibit committee. Frank P. James is general chairman.

Form Sound Equipment Co.

Chicago—John Erwood, John H. Lawrence and Joseph Erwood have organized the Erwood Sound Equipment Co. with offices at 234 W. Huron St., to deal in sound equipment.



"BACHELOR MOTHER"

A good comedy is a sure-fire for building good will. It puts the audience in a pleasant mood, sends them away with a friendly feeling towards your house. Alexander Smith Carpet is another proven goodwill builder. Which is why you find it in most of the country's successful theatres.

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NEW film emulsions are indispensable to motion picture progress, but only proved reliability and uniformity make them practicable. Eastman *Plus-X*, *Super-XX*, and *Background-X* have those priceless qualities—hence the everyday use they are enjoying throughout the industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

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for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 15

NEW YORK, MONDAY, JULY 24, 1939

TEN CENTS

Arbitration Revision Won't Affect Allied Stand--Cole GOV'T WILL ASK NOV. 1 TRIAL FOR EQUITY ACTION Metro's Gross Biz Up More Than \$2,000,000--Schenck

THE WEEK IN REVIEW

Senate Okays Neely Bill

By GEORGE H. MORRIS

DOMESTIC

NEELY BILL: By a 46-28 vote Monday, Senate, for second time as many years, passed the controversial Neely bill to outlaw compulsory block-booking and blind-bidding. Bill then went to the House, without chance for action at this session of Congress, according to observers. In debate on the measure, Senator William H. King, D., Utah, launched savage attack on the provisions which were, he asserted, unconstitutional. Senator Arthur Happer, R., Kansas, voiced view that the bill would "do no harm and much good." Party lines were shattered in the balloting.

COAST PROBE LOOMS: The week-end, too, produced a sensational development with Attorney General Frank Murphy admitting at Washington press conference that of J expects to launch shortly Grand Jury investigation at Los Angeles into "certain conditions in the motion picture industry." Investigation, Murphy said, will center on labor racketeering, anti-trust violations and income tax evasions.

RKO DEFEATS APPEALS: In decision, which was another highlight of the legalistic and legislative-packed week, Circuit Court of Appeals unanimously affirmed in all respects Federal Judge Bondy's approval and confirmation of RKO George plan, and rejected contentions of H. Cassel & Co., Ernest W. Stirn, Topia Realty and Fabian Operating Co. Later, having obtained Judge Bondy's consent, Atlas Group, Inc.'s proponents, were set to file certificate of incorporation of new RKO company in Wilmington, Del. Court is expected to get underwritten.

Gain During Last 12 Months Is Despite Foreign Market Shrinkage

Despite the loss of a large part of the European market, M-G-M's gross business during the last 12 months has been more than \$2,000,000 ahead of the preceding 12-month period, according to Nicholas M. Schenck, president of Loew's, Inc., who arrived Friday from the Coast.

Schenck said he looked upon this record as being remarkable.

FBI INVESTIGATING FOX THEATERS CORP.

Federal Bureau of Investigation has been investigating the affairs of Fox Theaters Corp. for some time, it was learned on Friday at a hearing before Federal Judge John C. Knox on an application to restrain Milton C. Weisman and Kenneth

Allied Prexy Says Code Dead Issue; Indifferent to Arbitration Changes

Famous Players Canadian Convention Opens Today

Niagara Falls, Ont.—First coast-to-coast convention of Famous Players Canadian Corp. representatives opens at the General Brock Hotel this morning. National four-day

SAYS PUBLIC WANTS SHORTS

Kuykendall Lauds M-G-M at Fair; Leo, Jr., is "Crowned"

The public is demanding better short subjects and more diversified programs, Ed Kuykendall told a large audience in the Court of Peace at the World's Fair on Saturday when Leo, Jr., M-G-M's lion cub, was officially initiated as the company's short subject trade mark.

Kuykendall commended M-G-M for its decision to put more money and better talent into its shorts and expressed the hope that all companies would do likewise. He said he believed a diversified program

Application Before Court Tomorrow; Sherman Act, Court Rules Cited

The D of J filed notice on Friday that it will apply to Federal Judge John C. Knox tomorrow for an order setting down the equity action against the majors for trial on Nov. 1. The Government is basing its application on Rule 20-E of the District Court Calendar Rules and on Section 4 of the Sherman Anti-Trust Act which, according to an affidavit of U. S. Special Assistant Attorney General Paul Williams, provides "When the parties complained of shall have been duly notified of such petition, the Court shall proceed, as soon as may be,

WARNERS' 39-WEEK NET, \$2,912,186

A net operating profit of \$2,912,186.40 for the 39 weeks ended May 27, 1939, was reported by Warner Bros. and subsidiary companies on Saturday. This figure represents the net after deducting all charges including amortization, depreciation and Federal income taxes, and com-

Prentice Hall, Inc., to be New RKO's Resident Agent

In the wake of last week's unanimous decision by the Circuit Court of Appeals, upholding Federal Judge William Bondy's decision which had

June Admission Taxes Show Decline; B'way Figures Up

Washington—Increase in admission taxes collected by the Internal Revenue Bureau noted last month stopped short in June as taxes dropped below those of both June, 1938, and May, 1939, the Internal Revenue

(Continued on Page 6)

(Continued on Page 7)

(Continued on Page 4)

(Continued on Page 5)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Change
Am. Seat	13 1/2	13 1/2	13 1/2	+ 1/2
Col. Picts. vtc. (2 1/2%)	10	9 3/4	10	+ 1/4
Columbia Picts. pfd.	26 1/2	26 1/2	26 1/2	+ 1/2
Con. Fm. Ind.	11 3/8	11 1/8	11 1/4	+ 1/8
Con. Fm. Ind. pfd.	169 3/4	168 1/2	169 1/2	+ 1/2
do pfd.				
Gen. Th. Eq.	11 1/8	11 1/8	11 1/8	- 1/8
Loew's, Inc.	45 7/8	45 1/4	45 3/8	- 1/8
do pfd.	109 1/8	109 1/8	109 1/8	+ 1/8
Paramount	10 7/8	9 1/2	10	+ 3/8
Paramount 1st pfd.	96	96	96	+ 1 1/4
Paramount 2nd pfd.	11	10 3/4	11	+ 1/2
Pathe Film	10 1/2	10	10 1/2	+ 1/2
RKO	2 1/8	2	2	- 1/8
20th Cent.-Fox	20 7/8	20 1/2	20 3/4	+ 7/8
20th Cent.-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	5 1/8	4 7/8	5	+ 1/8
do pfd.	52	51	52	+ 1 1/2

NEW YORK BOND MARKET

Keith B. F. ref. 6s 46 100	100	100	+ 1/4
Loew's deb. 3 1/2s 46 103 1/4	102 3/4	103	- 1
Par. B'way 355s	49	48 7/8	
Par. Picts. 6s 55			
Par. Picts. cv. 3 1/4s 47 89 3/4	89 3/4	89 3/4	
RKO 6s 41	76	74 1/2	+ 1 1/4
Warner Bros. cv. 6s 39			
Warner Bros. db. 6s 48 90 1/4	90 1/4	90 1/4	

NEW YORK CURB MARKET

Monogram Picts.	1 3/4	1 3/4	- 1/8
Sonotone Corp.			
Technicolor	16 1/4	16	+ 1/2
Trans-Lux			
Universal Corp. vtc.	3 3/4	3 3/4	+ 1/2
Universal Picts			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	100 1/2	102 1/8
Met. Playhouse, Inc. 2nd deb. '45	68 1/2	70 1/2
Roxy Thea. Bldg. 4s 1st '57	65	67

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The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—11th week	Astor
Second Fiddle (20th Century-Fox) 4th week	Roxy
The Man in the Iron Mask (United Artists-Small)—2nd week	Music Hall
Andy Hardy Gets Spring Fever (Metro-Goldwyn-Mayer)	Capitol
The Magnificent Fraud (Paramount Pictures)	Paramount
Each Dawn I Die (Warner Bros. Pictures)	Strand
The Saint in London (RKO Radio Pictures)	Rialto
The Ware Case (20th Century-Fox)	Little Carnegie
Dead Men Tell No Tales (Alliance Films)	Globe
Heritage of the Desert (Paramount Pictures) (a)	Central
Death Goes North (Syndicate) (a)	Central
This Man Is News (Paramount Pictures)	Criterion
Daughters Courageous (Warner Bros. Pictures) (a-b)	Palace
Mr. Moto Takes a Vacation (20th Century-Fox) (a)	Palace

FOREIGN LANGUAGE FEATURES

Lenin in 1918 (Amkino)—5th week	Cameo
Pearls of the Crown (Lenauer) (a-b)	World
Mayerling (Pax Films) (a-b)	World

FUTURE OPENINGS

They Shall Have Music (United Artists-Goldwyn)—July 26	Rivoli
Hidden Power (Columbia Pictures)—July 26	Rialto
Of Human Bondage (RKO Radio Pictures)—July 26 (d)	Criterion
Winter Carnival (United Artists-Wanger)—July 27	Music Hall
Frontier Marshal (20th Century-Fox)—July 28	Roxy
Beau Geste (Paramount Pictures)—Aug. 2	Paramount
The Old Maid (Warner Bros. Pictures) (c)	Strand
Miracles for Sale (Metro-Goldwyn-Mayer) (c)	Capitol
Bachelor Mother (RKO Radio Pictures)—July 27 (a-b)	Palace
Career (RKO Radio Pictures) (a)	Palace

(a) Dual bill. (b) Subsequent run. (c) Follows current bill. (d) Revival.

"U" Closes Associated Deal For Distribution in Aus.

Universal has closed a three-year deal with Associated British for the distribution of 10 pictures in New Zealand and Australia, it was announced by Joe Seidelman, Universal's foreign department head, when he arrived from Europe Friday on the Ile de France. Among the Associated pictures for Australian release will be "The Beachcomber."

Seidelman also announced that the European territory had been divided into two parts. Ernest Koenig has been placed in charge of the Latin division, which includes France, Spain, Portugal and Belgium. Louis Poeldes has been appointed manager of the Central Europe division, which includes most of the other countries.

The controversy over the services of Danielle Darrieux is close to settlement, Seidelman said, asserting that the French actress will be coming to the U. S. shortly to resume her American career.

Business in England, he said, is relatively better than it is in the U. S., with prospects looming even brighter for the coming year. Current year's business is far in excess of last year, he added, and returns from Continental Europe are highly satisfactory.

Seidelman was gone about eight weeks.

George Schaefer Expected to Visit London in Fall

London (By Cable) — George J. Schaefer, prexy of RKO Radio, may come over in the Fall for a look-see, according to Ralph Hanbury. Trip may be as early as October or as late as November.

RKO Radio's British sales convention is set for London Aug. 10-11.

Para. to Plug Burns Pix on Air Via 42 CBS Stations

Paramount has purchased a half-hour of time on 42 CBS stations, Coast-to-Coast, for exploitation of the world premiere of Bob Burns' new picture "Our Leading Citizen." With Burns as emcee, the show will be aired Monday, Aug. 7, 10-10:30 p.m., originating at Van Buren, Ark. Original plans, as announced some time ago by the picture firm, were for purchase of a special 8 station Arkansas network, but it is believed that 20th Century-Fox success with the Derby broadcast influenced the decision for a Coast-to-Coast hook-up. Entire Pacific Coast CBS network will be utilized, plus 37 other stations. Buchanan Agency set the deal.

TMAT's Rugoff and Becker Petition Hearing Tomorrow

Daniel K. Kornblum, executive secretary of N. Y. State Labor Board, at a hearing Friday on petition for recognition filed by the Motion Picture Division of TMAT against Rugoff and Becker, local film circuit operators, denied a request for a three-week adjournment by Edward A. Hancock, counsel for R & B. Case will continue tomorrow at 2 p.m.

Union was represented by Gustav A. Gerber, general counsel, Ira Meinhardt of the law firm of Gerber & Densen, and by Charles P. Carroll, 2nd vice-president of TMAT and national chairman of its Motion Picture Division.

Schine Convention Speaker

Leon J. Bamberger, RKO Radio Sales Promotion Manager, has accepted an invitation to speak at the annual convention of the Schine Circuit in Gloversville, on Aug. 3.

COMING AND GOING

NICHOLAS M. SCHENCK, president of Loew Inc., returned at the week-end from a trip to the Coast studios.

SAMUEL GOLDWYN, accompanied by his wife and son, arrives from the Coast this morning on the Twentieth Century Limited to a benefit-premiere of "They Shall Have Music" at the Rivoli tomorrow night.

EDWARD G. ROBINSON and GEORGE RAFT, Warner stars, sail Tuesday, Aug. 1, on the French liner Normandie for vacations in Europe. Both are due back in Hollywood in September.

LAURENCE OLIVIER, film and stage player has left the cast of Katherine Cornell's "Time for Comedy" and sails for England shortly.

MARY ROGERS, daughter of the late W. Rogers, has arrived here from Virginia and has joined her mother at the Waldorf-Astoria.

GRETA NISSEN, actress, ROBERT TREBO, director of two Paris theaters, the Madeleine and Michel, HARRY S. PERRY, Selznick cameraman, and CHARLES JACCARD, Eastman Kodak exec., were passengers on board the Ile de France sailing Saturday for Europe.

Week-end callers at RKO Radio's World's Fair included N. B. FAIR of the air Theatre Somerville, Tenn.; J. GEORGES CHAMPAGNE of the Roxy and Auditorium Theaters, Shawinigan Falls, Que.; JEAN LEIBOVICI of the A.R.P. Theatre, Bucharest, Roumania; DWIGHT CURRIE, MAN of the State Theater, Westerville, O.; and MRS. J. QUINN of the Circle Theater, Soci Circle, Ga.

DEL GOODMAN, 20th Century-Fox manager for the Far East, is in Chicago, en route to New York.

JOHN LODER, British film star, will return to Hollywood, after seven years, to appear in Paramount's "Diamonds Are Dangerous" which begins production on Wednesday. Loder sails from England on the S.S. Champlain.

DOUGLAS FAIRBANKS, JR., and his bride left at the week-end for Hot Springs, Vt. Fairbanks returns to the Coast Aug. 7 to begin work in Universal's "South of the Amazon."

JAMES SMITH, of Cinelab Inc., left yesterday for a month's business trip through the country.

MORT BLUMENSTOCK, Eastern ad and publicity head for Warners, is due back from the Coast forepart of this week.

GRADWELL L. SEARS, Warners' sales chieftain is due back from Chicago today.

CLAY HAKE, managing director in Australia for 20th Century-Fox, sailed from Los Angeles at the week-end for home after four months in the U. S.

MICKEY ROONEY sails for England Aug. 6 on the Queen Mary to play a role in Metro's "A Yank at Eton."

"Stanley" for Chi. Theater

Chicago—W. C. Gehring, 20th-Fox western sales manager, has closed with Balaban & Katz for "Stanley and Livingstone" to open at the Chicago Theater the week of Aug. 11. Gehring is confined to his room in the Congress Hotel with an infected foot.

AT LIBERTY

Eight years' experience with major companies in foreign production department—superimposing, re-recording of commentary versions, censorship cutting, French dialogue pictures and edition of English titles. Knowledge of French, Spanish and Italian. Seeking position in similar capacity or any position in export department here or abroad.

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THE FILM DAILY

1501 Broadway New York City

"OUR LEADING CITIZEN" congratulates Paramount's "MAN ABOUT TOWN"

"Jack, I want to shake the hand
of the man who's brought in
the industry's biggest grosser
for July."

"Thanks, Bob. From what I
hear about 'Our Leading
Citizen' I'm shaking the hand
of the man who's bringing in
the industry's biggest August
grosser."



Jack's got something, there, boys. The old grapevine from the coast is buzzing with raves about the new Bob Burns picture "Our Leading Citizen." And they tell us "The Star Maker" makes Bing Crosby's other pictures look like also rans. "Enough entertainment for three feature musicals." "A real cavalcade of song and heart throbs and laughter." Those are typical of the comments . . .

Shake hands with PARAMOUNT, Boys . . .



IT'S A PARAMOUNT SUMMER!

TNEC EXEC. DENIES BIZ PROBE PLANNED

(Continued from Page 1)

thinking," Daniel Bertrand, administrative assistant for TNEC, told THE FILM DAILY Friday that the film industry was not scheduled for investigation by that body at any time. Bertrand is well versed in film matters, having been instrumental in preparing the NRA report on the industry when he was a member of the research and planning division of the Blue Eagle agency.

The TNEC official said: "As far as I know no division of the monopoly committee has any plans for studying the motion picture industry. Although the Justice Department has representatives on the monopoly committee and is making the industry a major factor in the anti-trust actions, the committee members of the Justice Dept. are not occupying themselves with film matters at this time, he said.

Bertrand pointed out the life of the monopoly committee expires in January, 1941, and with the New York equity suit likely to be tried before then the committee will probably prefer to wait the outcome of court action before delving into the industry.

Speaking of general industry problems Bertrand said he doubted if the House would pass the Neely Bill at this session or the next. The co-author of the film NRA report still believes the industry should make some "real concessions" to the independent exhibitors. If this were done, the industry could save itself much time, money and grief caused by suits and government action, he told THE FILM DAILY.

Col. Wins Consolidation of Stockholders' Actions

Application by Columbia to consolidate the stockholders' suits of Betty Davis, Benedetto LaPresti and Samuel Shatse, was granted on Friday by N. Y. Supreme Court Justice Edward J. McGoldrick. Stockholders charge waste of corporate assets and mismanagement, and seek the appointment of a receiver and an accounting by Columbia officials.



Best wishes from THE FILM DAILY
to the following on their birthdays:

JULY 24
Dailey Paskman
Lita Gail Jacobson

ALONG THE



WITH PHIL M. DALY

● ● ● THAT World's Fair Information Center being run by Loew-M-G-M in the middle of Times Square is doing all right..... we stood alongside the booth for an hour the other nite, and listened to a volley of questions from out-of-town visitors that had us dizzy..... but the competent Miss Linguist in charge took them all in her stride, and she was never feazed for an answer.....here are a few we snagged before we staggered away completely dizzy.....that is, more dizzy than usual.....

● ● ● A GENT stepped up and introduced himself as R. A. Rushmore, of Anchorage, Alaska.....another gent who was already there said: "I'm from Seattle, but your face looks familiar.".....the Alaskan inquired: "What's your name?".....the other said, "Luschak, the druggist.".....the man from Anchorage said: "Sure you know me, I used to play poker in your place five nights a week, twenty-five years ago. One night I cleaned the pot, left for Anchorage, and I've been there ever since.".....

● ● ● A GENT named W. C. Cobb of Manila inquired where he could find an all-nite bank.....he said he was the owner of the largest pearl in the world, and he was tired of sleeping with it in Ripley's Auditorium, because the place was unfinished and draughty. So he wanted to check the pearl so he could rent a room for a good night's sleep.....

● ● ● IMPRESSIONS of the Information Center are given by L. S. B. Shapiro in his sprightly kolyum in the Montreal Gazette.....he inquired of Miss Linguist how to reach the Fair in his car.....this is what he got....."Just drive up Sixth Avenue as far as Loew's Ziegfeld.....Then turn right to Loew's Lexington.....From there you drive across the Queensborough Bridge to Loew's Long Island and then follow your nose until you come to Loew's Jamaica.....Keep driving until you come to a place that looks as magnificent as Metro's next Eddy-MacDonald Technicolor production and that'll be the World's Fair.".....incidentally, and no foolin' all the cops in Times Square and for several blocks around direct inquirers asking about the Fair to the Loew-M-G-M booth at 46th Street, thus saving themselves a lot of conversation.....

● ● ● THE GENT who holds the record for fan mail in Hollywood.....Gene Autry.....was the honored guest at a cocktail party in the Hotel Warwick.....given by Republic, for which he makes horse operas.....Gene is on his way to Lunnon.....to give a command performance before little Princess Elizabeth, among other things.....the Princess has picked Gene as her Prince Charming.....

● ● ● COCKTAIL party for Doc Allan Roy Dafoe.....the Quintuplet medico.....for the opening of the Quints' pic, "Five Times Five" at the Music Hall.....the party is tomorrow afternoon at Pathe's offices on 45th St... ● Current issues of Look and Life mags both feature Ann Sheridan, star of "Winter Carnival," on the covers, with special sections inside on the Oomph Girl.....credit to John LeRoy Johnston on the Coast for Wanger, and Lynn Farnol at the U. A. home office, for this beaucoup publicity... ● Mick Hyams, prominent British exhib, arrives in New York Wednesday, to complete arrangements with Eddie Cantor for the appearance of noted American stage and screen stars at the Royal Cine-Variety Performance at the Gaumont Theater in London on Oct. 18.....

ARBITRATION REVISION LEAVES ALLIED COL

(Continued from Page 1)

Col. Cole asserted. "In this case he added, "the proposed code is not acceptable to us; therefore, no can an arbitration plan, based on the code provisions, be of any benefit?"

The proposed code, insofar as Allied is concerned, is a dead issue Col. Cole stated. He said he believed the equity suit, if won by the Government, would take care of all necessary reforms.

While House action on the Neely Bill is not expected until early next year, Allied will not be idle, the Allied president said. "Our members have, and will, be instructed to contact their Congressmen throughout the Congressional adjournment," he added.

Col. Cole said he felt confident that if the Neely measure reaches a vote in the House, it would pass. He said the organization's big job would be to see that it was brought to the floor for a vote.

Although Allied has no immediate expansion plans, Col. Cole said that a few prospective units awaited his arrival in their cities in order to start functioning. He plans to leave here Wednesday for Galveston by boat. Unless called elsewhere by urgent business, he will not return until the New Jersey unit holds its annual convention in Atlantic City in September. He expects to be in New York during the pending equity suit trial in November.

Allied's New England unit will meet at the Hotel Statler in Boston tomorrow, Arthur Howard, business manager, announced in New York on Friday. The members will hear the disc-recorded transcript of the Minneapolis convention proceedings.

Howard was in New York in connection with the proposed national Allied magazine which is scheduled to make its bow on Sept. 1. He returned to Boston over the weekend.

To Resume Arbitration Conferences Today

Major sales managers did not complete the revision of the arbitration clauses of the trade practice code and will continue their conferences today.

'Dawn' Breaks Record

Warners' "Each Dawn I Die", coupled with Eddy Duchin's orchestra, opened to record biz at the New York Strand on Friday, topping everything since the house inaugurated its present stage and screen show policy. "Angels with Dirty Faces" was the previous record holder. George Raft made a p.a. at the 7:30 p.m. show Friday, and the house extended its playing time to six complete shows for the day with eight showings of the feature picture. Pix is set for a three-week run and possibly more, will be nationally released Aug. 19.

METRO'S GROSS BIZ UP MORE THAN \$2,000,000

(Continued from Page 1)

able inasmuch as the company in the past enjoyed large revenues from Italy, Germany and other countries whose business is now lost to American distributors.

Schenck was enthusiastic over "Gone With the Wind" which he saw at the studio in the uncut 22-reel version. The David O. Selznick picture, he said, surpassed his expectations. Release about Thanksgiving is contemplated.

Another picture from which he expects great popularity is "The Women," also completed and ready for cutting.

Public Demands Better Shorts, Says Kuykendall

(Continued from Page 1)

offered better entertainment and that he was glad M-G-M apparently was leading the way.

James Stewart officially crowned the cub. Other members of his "court" included Bert Lahr, Johnny Weissmuller, Frank Buck and Kuykendall. Leo, Jr., also was honored by speeches by Mayor LaGuardia and Grover Whalen. The cub later was flown to Culver City to begin his film career.

Okl. Allied Not Beefing About National—Von Gulker

Oklahoma City—Emphatic denial of reports current here that members of Allied Theater Owners of Oklahoma are dissatisfied with their Allied States affiliation is made by Orville Von Gulker.

"I have canvassed the board of directors," Von Gulker told THE FILM DAILY, "and all are satisfied with the affiliation of Allied States. As far as I can ascertain, there is no dissatisfaction within the ranks."

Von Gulker also announced that within the next few days a meeting of his group would be held in Tulsa.

FCA Outing Aug. 13

Chicago — Annual outing of the Film Carriers Association will be held Aug. 13 in Mannheim Woods. Hank Porter and Shorty Otto are in charge of the arrangements.

WEDDING BELLS

Detroit—Alton Buck, of the sales department of Industrial Pictures, was married in Chicago to Eleanor Shephard of that city.

Gallup, N. M. — Marlin Butler, manager of the Chief and Navajo theaters here, was married to Miss Carrie Lambert of Santa Fe, yesterday at Santa Fe.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twenty-first installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 21

VII. OATHS OF ARBITRATORS

Each person appointed an arbitrator or a member of a panel, shall sign the form of oath required by law in his jurisdiction. If no form of oath is provided by law, he shall sign the following form:

"I, ..., having been duly appointed (an arbitrator) (a member of the panel of arbitrators) for the exchange territory, do solemnly swear that I will faithfully and fairly hear and examine the disputes brought before me and will determine each such dispute in accordance with the spirit and intent of the provisions of the Trade Practice Code of the motion picture industry and the Rules of Arbitration annexed thereto, and will make a just award to the best of my understanding."

Additional Oaths: Each arbitrator shall sign any additional oaths which may be required by law in connection with the hearing of any dispute.

Signing Awards: Each arbitrator shall sign all papers necessary or convenient to make their awards binding.

Filing Oaths: Each oath shall be filed in the office of the Permanent Arbitration Board and in such other places as required by law in any jurisdiction.

VIII. TERM OF OFFICE OF ARBITRATORS, REMOVALS AND VACANCIES

(1) **Term of Office:** The members of each panel of arbitrators shall serve for six months.

(2) **Removals:** An arbitrator in the panel appointed by distributors and affiliated exhibitors may be removed at any time by a majority of them who are at the time entitled to participate in the appointment of arbitrators to such panel.

An arbitrator in a panel appointed by an organized exhibitor group or groups may be removed at any time by the action of them who are at the time entitled to participate in the appointment of arbitrators to such panel. A majority is necessary to remove an arbitrator appointed by distributors and affiliated exhibitors. No reference is made to a majority in the case of an arbitrator removed by exhibitor group or groups.

(3) **Vacancies:** A vacancy in any panel of arbitrators may occur by reason of: (a) Death, (b) Resignation, (c) Removal (d) Disqualification.

Filling Vacancy: Such vacancy shall be filled in the same manner as the original appointment was made. The arbitrator appointed shall serve for the balance of the term of his predecessor.

(Twenty-second installment will appear in an early issue.)

June Admission Taxes Show Decline; B'way Figures Up

(Continued from Page 1)

nue Bureau reported on Friday. June collections amounted to \$1,491,260.37, compared to \$1,605,987.70 for May, representing a decrease of \$114,727.33. Figure for June, 1938, was \$1,624,453.11, which was \$133,192.74 more than the July, 1939, figure.

On the brighter side, however, it was noted that Broadway area figures show an increase over June, 1938, although declining slightly from the previous month of May. Broadway figures were reported as \$457,258.12 for June, 1939, which was \$33,086.63 more than the June, 1938, figure of \$424,171.49. June collection was \$34,754.03 less than the May figure of \$492,012.15. Of the June Broadway collections, \$393,376.51 was contributed from admissions to theaters, including season tickets.

Dismiss Plagiarism Suit

Suit of Albert Bein against Warner Bros. for alleged plagiarism of the plaintiff's novel, "Youth in Hell," in the Warner picture, "Mayor of Hell," was dismissed Friday by the U. S. Court of Appeals. Suit had been for an injunction and an accounting.

Judell's PDC Will Release Through Franchise Exchanges

West Coast Bureau of THE FILM DAILY

Hollywood — Producers Distributing Corp. has been formed to handle the distribution of Producers Pictures product, according to an announcement by Ben N. Judell, president, with its product released through franchise exchanges in all parts of the country.

"Wanted for Murder" will be the first picture, for release on Sept. 17. Thereafter one feature a week will follow.

Harry Rathner will continue to act as Eastern representative for Producers Pictures and in addition will function as Eastern district manager of Producers Distributing Corp. Abe Fischer, formerly with GB and M-G-M, has been appointed general manager of Judell's exchanges in Chicago and the Middle West.

FMPC Reorg. Up Thursday

Federal Judge William Bondy on Thursday will hear arguments for confirmation of the plan of reorganization of the French Motion Picture Corp. Petition was filed Feb. 19, 1938, listing liabilities of \$21,571. Proposed plan includes among its provisions, a 50 per cent cash payment to general creditors of the company.

WARNERS' 39-WEEK NET, \$2,912,186

(Continued from Page 1)

pares with a net operating profit of \$3,282,765.03 for the corresponding period of the previous year.

Net profit from operations before charges for amortization, depreciation and Federal income taxes for the 39 weeks ended May 27 was \$8,137,766.86.

Gross income, after eliminating intercompany transactions, for the same period was \$78,387,001.12. Comparable income for the 1938 period, adjusted to include two companies not then consolidated, was \$79,475,899.43.

During the 1939 period there was a net credit of \$324,858.24 made directly to earned surplus.

The net is equivalent to \$28.24 per share on the preferred stock and 70 cents on the common.

Equity to Start Drive in Tele Field in Aug.

Actors Equity will start its drive to organize players in the television field in late August, after completion of a survey of present rates and hours, it is reported. Scale is expected to be based on length of performance and time needed for rehearsals and will probably be higher than the present rate.

Equity announced plans some time ago to organize the tele field, but the AFA-AAAA row delayed action. NBC-RCA is the only active telecaster at present, but CBS starts its programs in September and Du Mont may start soon, pending FCC approval of its application to move its facilities to New York.

Kassler With Transatlantic

Frank Kassler, foreign film distributor, has become associated with Transatlantic Films, according to an announcement by Eugen Scharin. Kassler's pictures, "Dark Eyes," "The Curtain Rises," and "Flight Into Darkness" will be handled from now on by the Transatlantic organization. The latter's new releases include: "Conflict," "La Maison Du Maltais," "Innocence," and "Drame De Shanghai."

Suit Filed Over "Miracle"

Suit for \$7,500 was filed Friday in Federal Court by Selwyn & Co., Inc., against Bayard Veiller, charging that Veiller had sold the picture rights to "The Miracle" to Loew's, Inc., after the defendant already had sold the play to the plaintiffs.

STORKS!

New Orleans—Altec technician, "Buck" Buckwalter, is the proud father of a baby girl who has been christened Barbara Ann.

GOV'T TO ASK NOV. 1 EQUITY SUIT TRIAL

(Continued from Page 1)

to the hearing and determination of the case."

Williams argued that the suit was entitled to preferential treatment under calendar rules as being meritorious and exceptional, since, he said, "The motion picture industry has become one of great importance, not only because of the large amounts of capital invested therein, and of the large number of individuals who are now engaged in the industry, but also because of the tremendous influence that is exerted by motion pictures over the social, cultural and educational advancement of the people. It is respectfully submitted that this action, brought for the purpose of preventing alleged violations of the Sherman Anti-Trust Act, is one of general public interest. Furthermore, it is desirable, not only to the public but to the industry as well that the alleged violations be judicially passed upon and the issues determined at the earliest practicable date."

In reference to Section 4 of the Sherman Anti-Trust Act, Williams contended in his affidavit that the language of the Section showed that Congress specifically desired that trial of anti-trust suit "should be expedited in every practicable way." He pointed out that the suit is already at issue and on the calendar.

Application was signed by John T. Cahill as U. S. Attorney; Thurman Arnold, as Assistant Attorney General, and David L. Podell and Paul Williams as Special Assistants.

No Statement "At This Time" From Hays on L.A. Jury Probe

West Coast Bureau of THE FILM DAILY

Hollywood—Will H. Hays, MPP-DA prexy, stated Friday night that he had no comment to make at this time on Attorney General Frank Murphy's statement that a Federal Grand Jury investigation of alleged trust violations would be launched in Los Angeles.

Howard E. Robertson, chairman of United Studio Technicians Guild, claiming to represent several thousand studio workers, wired Murphy declaring that certain Hollywood unions were now threatening illegal strikes to force producers into violations of the Wagner Act and depriving men of their collective bargaining rights.

D of J Said to be Preparing to Press Suit Against Ascap

Washington Bureau of THE FILM DAILY

Washington—Department of Justice through its anti-trust division has reopened its study of Ascap with a view to pressing the Government's prosecution of the Society as an unlawful, price-fixing combine, it was learned Saturday. With Robert M. Cooper, special assistant to

How Come?

Chicago—Local exhibs. are asking how come that the Brookfield Zoo can dispose of surplus small animals by Sunday afternoon drawings while Bank Night and giveaways are banned.

Industry Execs. to Speak at Eckhardt Testimonial

Chicago—Advance reservations indicate that in excess of 500 of the film fraternity will attend tonight's Silver Jubilee testimonial dinner to Clyde W. Eckhardt, 20th-Fox branch manager. In addition, it is expected that state and city government representatives will be in the Casino of the Congress Hotel when the gavel falls.

Felix Mendelssohn will be toastmaster, and speakers listed include Herman Wobber, W. C. Gehring, Jack Kirsch, Jack Osserman, E. T. Gommersall, James Coston, John Balaban, Jack Miller, Henry Herbel, W. E. Banford, Walter Branson, Allen Usher, Lew Lehr, Truman Talley, E. H. McFarland and Clyde Eckhardt.

Co-chairmen of the affair are Balaban, Kirsch and Osserman with E. E. Alger and Fred Anderson co-chairmen for the downstate delegation. A suitable gift will be presented to Eckhardt.

W. Pa. MPTO to Convene In Pittsburgh Oct. 23

Pittsburgh—The MPTO of Western Pennsylvania will hold its annual convention Oct. 23-24. Both Col. H. A. Cole, prexy, and Abram F. Myers, board chairman, of National Allied are expected to attend.

The unit will hold its annual corn roast and outing at Dr. C. E. Herman's farm in Carnegie, Pa., on Sunday, Aug. 6.

Sign Boy for Westerns

West Coast Bureau of THE FILM DAILY

Hollywood—Thirteen-year-old Bobby Clark has been signed by Producers Pictures Corp. for a series of eight western melodramas. First feature is expected to go into production on Aug. 14.

the Attorney General, in charge, the study has been in progress for some weeks under three or four assistants, reviving prospect that the suit now pending in the Federal Court for the Southern district of New York will go to trial in the near future.

It is understood that the dissenting opinion of Supreme Court Justice Hugo Black in the Florida Ascap case, in which he denounced Ascap as a violation of the Federal anti-trust statutes, spurred the D of J's interest in the dormant suit against Ascap. Senator Burton K. Wheeler of Montana is said to have become interested in Ascap affairs through Ed Craney, KGIR operator, who is deeply involved in the Montana difficulties of Ascap.

FBI INVESTIGATING FOX THEATERS CORP.

(Continued from Page 1)

Stenreich, trustees of Fox Theaters, from liquidating assets of the company, or, in the alternative, to remove them as trustees.

Jerome Doyle, Assistant Attorney General, stated to Judge Knox that FBI has a large number of investigators working on the case.

Judge Knox denied the application to remove Weisman and Stenreich on the ground that time to make the move had expired, but stated that if investigation disclosed anything wrong, he would reopen the question. He reserved decision on the allocation of funds for the expenses of a referee before whom charges against Weisman, in his capacity of former receiver, would be aired.

Several attorneys for creditors of Fox Theaters opposed the use of the estate's funds on the ground that it would unreasonably diminish the size of the estate.

Reserves Decision in Court's Jurisdiction in AFA-4A Clash

The question of jurisdiction over the dispute between the AFA and the AAAA was fought out on Friday before New York Supreme Court Justice Edward McGoldrick, who reserved decision. Justus Sheffield, attorney for the AAAA, contended that there was a bona fide labor dispute between the two unions and the court was barred under New York law from issuing an injunction restraining solicitation of membership in the American Guild of Variety Artists on the alleged attempt to induce the breaching of employers' contracts with the AFA.

Letters were submitted as part of the papers in which William Green, AFL president, had notified the disputing parties that a meeting of the executive counsel of the AFL would be held Aug. 7 to take up the question of the revocation of the AFA charter and also of a number of charges made against the AAAA by the AFA.

Justice McGoldrick stated he must first decide whether he has the power to issue an injunction before taking up the question of the merits of the case. Plaintiffs were directed to file a brief on Saturday.

9 Completed, 7 Shooting at Warners for 1939-40

Burbank—With over a month to go before the 1939-40 season officially starts, Warners is currently far ahead of production schedule with nine new season features completed, seven before the cameras, and nine in preparation for early shooting. Never before in studio's history, has it been so far in advance of production.

THE WEEK IN REVIEW

Senate Okays Neely Bill

(Continued from Page 1)

ing pact for okay by end of this month.

* * *

OTHER HIGHLIGHTS: Government legalists on Wednesday discovered to their amazement that the equity suit against the majors had been on the Court calendar since last March as result of answer filed by Adolph Ramish, former Universal board member. Disclosure spurred Government to seek preference for case since latter is 187 from top of calendar... In the equity action, Columbia was denied on Thursday a more specific bill of particulars... In the D of J anti-trust action against the Griffith companies and eight major distribs, defense counsel filed motion in Federal Court, Oklahoma City, for more specific bill of particulars... At mid-week, ITOA officials, headed by President Harry Brandt, discussed industry problems with Commerce Dept. solons, and other huddles are in offing... From Harrisburg came word that Pennsylvania won't appeal from chain theater tax decision... Loew's checked in with statement of \$8,173,000 net earnings for 40 weeks ended June 8, last, and... Disbursements of \$895,556 were reported by accountants as having been spent by industry to plug Motion Pictures' Greatest Year.

FOREIGN

20th-FOX VICTOR: London cable flashed word on Wednesday of dismissal by Privy Council of appeal of Francis Day & Hunter, Ltd., in an action against 20th-Fox arising out of the use of title, "The Man Who Broke The Bank At Monte Carlo." Action, in effect, sustains the U. S. major on all important points raised in the case. Decision is considered of great import to U. S. pix industry on selection of titles for productions. Case involved question of use of titles in Canada and was brought by plaintiff charging infringement of song of same title, plus unfair competition in Canada.

* * *

SWISS QUOTA SURE: Almost momentarily, announcement is expected of Swiss Government's enactment of a new quota law, Berne cable asserted,—adding that U. S. distrib. representatives had returned to Paris after making strong representations that the laws on pix imports remain in status quo.

Appeal Censors' Ban

French Cinema Center, Inc., has filed with the N. Y. State Board of Regents its appeal from the decision of the local Board of Censors which on July 15 announced the banning of the company's French-made feature, "Harvest."

FPC MEETING OPENS TODAY AT NIAGARA

(Continued from Page 1)

meet replaces the former Eastern managers' convention in Toronto, and regional conferences in the West, held in former years. New season will be designated "Record Royal Year."

This morning is to be given over to registrations and get-together meetings, with N. L. Nathanson, president; J. J. Fitzgibbons, vice-president; C. Robson, T. J. Bragg, Ben Geldsaler, M. Stein, L. I. Bearg, R. S. Roddick, Frank H. Gow, E. A. Zorn and R. W. Bolstad scheduled to address an afternoon general gathering.

Following the general meeting, the delegates will be divided into groups which will meet this evening and Tuesday and Wednesday. Conductors and topics at these group sessions include: Geldsaler, booking; Fitzgibbons, theater operation; James R. Nairn, advertising; E. Harris, maintenance; Bolstad, head office.

Thursday's closing session will be another general meeting with addresses scheduled by Nathanson, Fitzgibbons, Bragg, Bolstad, Stein, Geldsaler, Bearg, Gow, R. S. Roddick and Zorn. Nathanson will distribute bonus cheques at this session.

Convention will be terminated at a banquet Thursday night.

"Juarez" Getting Record Play in Latin-America

Latin-American market figures announced by Warners' home office indicate that "Juarez" has set a new company record for playing time since "Adventures of Robin Hood."

More than 4,700 houses have thus far played the pix which still is in relatively early distribution stages. During comparative period, "Robin Hood" was shown by approximately 4,200 Latin-American outlets.

"Old Maid" on Friday

West Coast Bureau of THE FILM DAILY

Hollywood—Reserved seat, dress world premiere of "The Old Maid," Pulitzer prize play, co-starring Bette Davis and Miriam Hopkins, will be held at Warners' Beverly Hills theater Friday night. "The Old Maid" will go into general release on Sept. 2 and will be the first picture on Warners' 1939-40 program.

"Dr. I. Q." to Twin Cities?

Chicago—The "Dr. I. Q." program will not be staged at the Chicago Theater tonight as scheduled. Plans are under way to shift the program to the Twin Cities.

Weber Joins E-C

Milwaukee—Richard L. Weber, Jr., has joined the Eisenberg-Champion Co., local advertising agency, as director of trade paper relations.

REVIEWS OF NEW FILMS

"Beau Geste"

with Gary Cooper, Ray Milland, Robert Preston

(HOLLYWOOD PREVIEW)

Paramount

120 Mins.

SPLENDID PICTURIZATION OF NOVEL HIGHLIGHTED BY EXCITING BATTLE SCENES RATES AS B.O. HONEY.

The stubborn defense made by a small band of French Foreign Legionnaires in resisting four attacks by Arabs on a Sahara desert fort highlight the screen's version of Percival C. Wren's famous novel. Led by a crude, cunning sergeant Brian Donlevy, the Legionnaires stave off the various onslaughts, and although their losses are heavy, Markoff's ruse in propping up the dead soldiers and making the Arabs believe they are active combatants saves the day for the defendants of the fort. The battle scenes are among the most exciting ever screened and reflects much credit on Director William A. Wellman, who also produced the picture. Two of the brave defendants are Beau Geste (Gary Cooper and his brother John (Ray Milland), the latter killing the ruthless Markoff when he attempts to steal the gem from the fallen Beau. It is the third brother, Digby (Robert Preston), who finally reaches the fort and gives Beau the viking funeral he had desired, by burning the fort whose defendants have all been slain. Under suspicion of having stolen a gem, valued at \$30,000, from their aunt (Heather Thatcher), the three brothers flee and join the Foreign Legion. It is not until the day he lies dying that Beau reveals he took the gem, but that it was of glass and the real one had been sold by his aunt for \$30,000. Cooper, Milland and Preston do splendid work as the brothers, while Donlevy has never been better than as the brutal, ambitious sergeant. Susan Haywood is decorative and capable as the love interest opposite Milland. J. Carrol Naish, Albert Dekker and Harold Huber are among the principals who do splendid work, with Charles Barton contributing the lighter moments. Donald O'Connor, Billy Cook and Martin Spellman do pleasing work as the Geste brothers as children. David Holt and G. P. Huntley, Jr., are among the principals. Richard Carson supplied a gripping screenplay and excellent dialogue.

CAST: Gary Cooper, Ray Milland, Robert Preston, Brian Donlevy, Susan Hayward, J. Carrol Naish, Albert Dekker, Broderick Crawford, Charles Barton, James Stephenson, Heather Thatcher, G. P. Huntley, Jr., James Burke, Arthur Aylesworth, Harry Woods, Harold Huber, Stanley Andrews, Donald O'Connor, Billy Cook, Martin Spellman, David Holt, Ann Gillis, Harvey Stephens, Henry Branden, Barry Macollum, Ronnie Rondell.

CREDITS: Producer, William A. Wellman; Director, William A. Wellman; Second Unit Director, Richard Talmadge; Author, Percival Christopher Wren; Screenplay, Richard Carson; Cameraman, Theodor Sparkuhl; Art Directors, Hans Dreier and Robert Odell; Editor, Thomas Scott; Musical Score by Alfred Newman.

DIRECTION, Splendid. **PHOTOGRAPHY,** Tops.

"Four Feathers"

with Ralph Richardson, C. Aubrey Smith
United Artists 115 Mins.

SPECTACULAR BATTLE SCENES WITH KITCHENER IN THE SOUDAN MAKES THIS SUPER-THRILL ENTERTAINMENT.

There has probably never been a production with more stirring and spectacular battle scenes than the two that highlight this picture. The story, however, is another matter, for it's in the typical British tradition of the gentlemen of the army of an earlier day, who sat around their baronial halls and talked of their military achievements from the days of Balaklava down to Khartoum. But take the battle stuff, and you've got something to shout about. Nothing like it has ever been done. It's terrific, superb, spectacular and sensational. And you can quote us on that. There are four young British officers in a regiment that 10 years after the fall of Khartoum and the death of General Gordon are about to go with their command to the Soudan to join Kitchener. One of them, John Clements, a sensitive lad and imaginative, revolts at bloodshed and the army life forced upon him by generations of fighting men. He resigns, and is branded a coward, even by the girl he is engaged to. As the regiment embarks, Clements receives a package with three white feathers attached to the cards of his fellow-officers. He plucks one himself from the girl's fan, knowing that she feels the same way. He realizes he has ruined his own life and brought disgrace to those close to him, and makes up his mind to atone. Disguised as a Seagali, a native tribe whose tongues have been removed by the Mahdi, the Dervish chief opposing Kitchener, he makes his way by tortuous methods up the Nile. He reaches a detachment of troops commanded by Ralph Richardson, one of his officer-pals who had donated a white feather, to find them slaughtered by the Dervishes. Richardson has escaped death, but is totally blind from sun exposure. Clements floats down the Nile with his helpless companion and deposits him on the outskirts of the encampment of the regiment. Later he works his way into Omdurman, still in his native disguise, there to aid his other two officer friends who are prisoners of the Mahdi. Meanwhile, the Mahdi flings his entire forces fanatically against the British squares deployed on the desert plains, the white clad Dervishes coming on toward the cameras in wave after wave. And that's a thrill spectacle for any exhibitor's screen. The battle scenes are superbly handled, also the incidental scenes around the prison, as the disguised Britisher frees the prisoners and his two friends, and they seize the arsenal and turn their fire on the Dervishes as they flee in defeat from Kitchener's victorious troops. Thus the once disgraced officer returns the four feathers to the donors with interest, and is received back home in England as a hero, and back to the arms of his loved one. Selling angles: stress spectacular fighting sequences as an action special; splendid Technicolor.

CAST: Ralph Richardson, C. Aubrey Smith, John Clements, June Duprez, Jack Allen, Donald Gray, Robert Rendell, Archibald Batty, John Laurie, Derek Elphinstone,

CFI SIX MONTHS' NET CLIMBS TO \$356,117

Consolidated Film Industries, Inc. and subsidiaries report consolidated net earnings for the six months ended June 30, of \$356,117, after deducting depreciation and normal taxes but before provision for Federal surtax on undistributed profits, equivalent to 89 cents per share on the 400,000 shares of \$2.00 preferred stock outstanding. This compares with net profit of \$317,442, or 79 cents per share on the same number of preferred shares for the corresponding period in 1938.

With respect to the company's investment in Republic, Herbert J. Yates, president, stated:

"The management feels that marked progress will be made throughout the current season."

Prentice Hall, Inc., to be New RKO Resident Agent

(Continued from Page 1)

approved and confirmed the RKO reorg. plan, it was learned on Friday that the principal office of the new RKO company is to be located at 317-325 South State St., Dover, Del. Prentice Hall, Inc., is to be RKO Corp.'s resident agent there. A meeting of the four remaining directors of the "old" RKO Corp. is slated for today to elect to that board the directors approved by Judge Bondy. Filing of certificate of incorporation of new company was pending on the week-end.

Realignment of Executive at Museum of Modern Art

Museum of Modern Art announces that Alfred H. Barr Jr., by action of the board of trustees executive committee, has been appointed an administrative vice-president of the institution in addition to his present post, and attending title, director of the Museum.

It is also announced that John E. Abbott, director of the Museum's film library, has been made an administrative vice-president with the title of executive vice-president.

Resignation of Thomas D. Mabry, Jr., as executive director, was accepted by the committee; the resignation of Mrs. Frances Collins, director of publications, disclosed; and the appointment of Ione Ulrich as assistant treasurer and controller.

Florence West is, under the realignment, named manager of the Museum.

Frederick Culley, Hay Petrie, Henry Oscar. Clive Baxter, Allan Jeayes, Major John Knott.

CREDITS: Producer, Alexander Korda; Director, Zoltan Korda; Author, A. E. W. Mason; Screenplay, R. C. Sheriff, Oliver H. P. Garrett.

DIRECTION, Very Good. **PHOTOGRAPHY,** Excellent.

OPENING AT RADIO CITY MUSIC HALL THIS WEEK!

TWO REELS of the world's most famous birthday party . . . showing the Dionne darlings at childhood's cutest age! . . . And who's their playmate? . . . None other than Alexander Woolcott, world-famous wit and man-about-the-world . . . highlighting the things they do with the sort of glowing comment that rates him millions of readers and radio listeners! . . . **THE ONE BIG EXTRA ATTRACTION FOR EXTRA MONEY FOR EVERY THEATRE THAT PLAYS IT!**

The **DIONNE QUINTUPLETS**

CELEBRATING THEIR FIFTH BIRTHDAY
FIVE TIMES FIVE

with
**ALEXANDER
WOOLLCOTT**

RKO PATHE
PRODUCTION
PRODUCED BY
FREDERIC ULLMAN, Jr.
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The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 16

NEW YORK, TUESDAY, JULY 25, 1939

TEN CENTS

Paris Reports France May Abolish Film Visa System

J. E. OTTERSON IN \$6,000,000 TELEVISION SETUP

Summer Re-issues of 10 Companies Show 50% Decline

Eight Majors, Two Indies Have Total of 30 Now Available

That the eight major companies, plus Republic and Monogram, have a total of 30 reissues available for the current Summer season was disclosed by a checkup yesterday.

Figure represents a decline of about 50 per cent in reissues by these same companies as compared to a year ago when 59 attractions were given special exhibitors availability.

Currently RKO Radio is pushing "Of Human Bondage" and "Lost Squadron," in addition to "Star of Midnight" and "Lost Patrol" which the company made available in Feb.

(Continued on Page 10)

ALABAMA EXHIBITOR'S TRUST SUIT NAMES 11

Birmingham, Ala. — Naming 11 defendants, who, it is charged, conspired to monopolize and deliberately run him out of business, M. M. Buchanan, Athens, Ala., exhibitor, has filed suit in Federal Court here.

The defendants are the Muscle Shoals Theaters, Inc.; the Crescent Amusement Co.; Paramount; RKO

(Continued on Page 3)

50 P. C. of Possibilities Already Set by 20th-Fox

Chicago—Better than 50 per cent of the sales possibilities of 20th-Fox in the major territories and key cities of the country have already been signed for the company's 1939-40 product lineup, William C. Geh-

(Continued on Page 4)

Nebraska-Iowa Exhib. Unit Said Weighing Buying Pool

Omaha—MPTO of Nebraska and Western Iowa has started a membership campaign in the Omaha dis-

(Continued on Page 2)

Film Loans Reported a Profitable Outlet for Surplus Funds of New York City Banks

New York banks are finding motion picture loans a profitable outlet for surplus funds, according to an article in the Wall Street Journal yesterday. The story pointed to the Chase National Bank, Irving Trust Co. and the Commercial National Bank & Trust Co. as houses which have shown interest in lending money to producers. Admitting that local banks were "scared away from the industry by its complications and several unfortunate ventures," the Journal asserted that banks were now returning to a field that can be "very profitable if properly handled."

PIX BIZ BIG DESPITE FAIR'S BARGAIN RATE

Another wave of big b.o. grosses broke into the tills of Broadway's pix palaces on the week-end, check-up showing SRO signs in plentiful use during the two-day span.

Significant were the results gleaned from a survey yesterday in light of what was previously prophesied as providing stiff competition to the Great White Way

(Continued on Page 4)

Balaban and Keough Will Address FPC's Banquet

Niagara Falls, Ont.—Managers of the Famous Players Canadian Corp. in the Dominion, assembled here yesterday for their first national conference in 12 years. Sessions are being

(Continued on Page 10)

GOLDWYN SIDESTEPS ALL SUIT QUESTIONS

Sidestepping all questions regarding his pending suit against United Artists, Samuel Goldwyn arrived in New York yesterday with the announcement that he planned to recruit great musical talents of Europe and America for a picture tentatively titled "The Great Music Festival."

The subject of future distribution was taboo at a press conference held

(Continued on Page 4)

Celebrate Eckhardt Jubilee; 20th-Fox Exchange Opened

Chicago — With 500 representatives of filmdom and state and local governments in attendance, Silver Jubilee testimonial dinner to Clyde W. Eckhardt, 20th-Fox branch

(Continued on Page 3)

Abolition of French Film Visa System Seen as Benefiting U. S. Distributors

10 New Features Before Coast Cameras This Week

West Coast Bureau of THE FILM DAILY Hollywood—Ten new pictures are scheduled to go into production this week.

At Paramount, "Remember the Night" with Fred MacMurray and Barbara Stanwyck. Mitchell Leisen,

(Continued on Page 10)

Paris (By Cable)—A move by the French government to rescind its film import quota law by abolishing the film visa system, which would in effect open the market up completely, was reported last night in official circles as being under consideration for immediate action.

Although this would mean that all countries would have equal op-

(Continued on Page 3)

Nation-wide Tele Service by Wire Looms Thru New Corporation

By GEORGE H. MORRIS
FILM DAILY Staff Writer

Formation of a new parent company, Radio Wire Television Corp. of America, headquartering at 160

East 56th St. where studios will be maintained, and embracing former holdings of Wire Broadcasting, Inc., Wholesale Radio, Inc., together with various subsidiaries of the latter enterprises, was announced yesterday with John E. Otterson,

(Continued on Page 10)



JOHN E. OTTERSON

ASK SECURITY PAY FOR STUDIO CRAFTS

West Coast Bureau of THE FILM DAILY Hollywood—United Studio Technicians Guild has adopted a platform calling for minimum security pay of \$2,000 a year for every studio crafts-

(Continued on Page 3)

IATSE Seen Granting Charter to AFA Group

With a complete understanding reached between the American Federation of Actors and the IATSE, according to Ralph Whitehead, ex-

(Continued on Page 4)

Hear Trendle May Delay Departure From UDT Post

Detroit—All conjectures published to date about the future of United Detroit Theaters are merely guesses,

(Continued on Page 4)

THE **Film** DAILY

Vol. 76, No. 16 Tues., July 25, 1939 10 Cents

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	13 3/4	13 3/8	13 3/8	- 1/8
Col. Picts. vtc. (2 1/2%)	9 3/4	9 3/4	9 3/4	- 1/4
Col. Picts. pfd.	27 1/2	27 1/2	27 1/2	+ 1
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	- 1/8
Con. Fm. Ind. pfd.	11 3/8	11 3/8	11 3/8	- 1/4
East. Kodak	169 1/2	169 3/8	169 1/2	.....
do pfd.	.....	.....	.....	.....
Gen. Th. Eq.	12	11 1/2	11 1/2	.....
Loew's, Inc.	45 7/8	45 1/2	45 3/4	.....
do pfd.	.....	.....	.....	.....
Paramount	10 1/4	10	10	- 1/4
Paramount 1st pfd.	96 1/8	96 1/8	96 1/8	+ 1/8
Paramount 2nd pfd.	10 7/8	10 3/4	10 3/4	- 1/4
Fathe Film	11 1/2	10	11 3/8	+ 1
RKO	2 1/8	2	2 1/8	.....
20th Cent.-Fox	20 7/8	20 5/8	20 5/8	- 1/8
20th Cent.-Fox pfd.	30 1/2	30 1/4	30 1/2	+ 1/2
Univ. Pict. pfd.	65 1/2	65 1/2	65 1/2	+ 1/2
Warner Bros.	5 1/2	5 1/8	5 1/2	+ 1/2
do pfd.	58	52 1/4	58	+ 6

NEW YORK BOND MARKET

Keith B. F. ref. 6s 46	100	100	100
Loew's deb. 3 1/2s 46	103	103	103
Par. B'way 3s 55	.....	.....	.....
Par. Pict. 6s 55	100 1/2	100 1/2	100 1/2
Par. Picts. cv. 3 1/4s 47	90 1/4	90	90 1/4
RKO 6s 41	75	75	75
Warner Bros. cv. 6s 39	.....	.....	.....
Warner Bros. cv. 6s 48	90 1/2	90	90

NEW YORK CURB MARKET

Monogram Picts.	1 3/4	1 3/4	1 3/4
Sonofone Corp.	1 1/2	1 1/2	1 1/2
Technicolor	16 3/8	16	16
Trans-Lux	1 1/2	1 1/2	1 1/2
Universal Corp. vtc.	4	3 3/8	4
Universal Picts.	.....	.....	.....

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	.....	.....
Met. Playhouse, Inc. 2nd deb. '45	69 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	65	67

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

McCarthy to be Examined Aug. 2 in "Lincoln" Suit

New York Supreme Court Justice Edward J. McGoldrick yesterday ordered Charles E. McCarthy, 20th-Fox pub. and ad. head, to appear for examination before trial on Aug. 2 to testify in reference to the suit of Robert E. Sherwood and Playrights Producing Co., Inc., against 20th-Fox Film Corp. for alleged unfair competition of the film "Young Mr. Lincoln" with the Sherwood play, "Abe Lincoln in Illinois."

The Court, however, denied an application to require Darryl F. Zanuck to testify without prejudice to a new motion for commissions to take his deposition in Los Angeles.

Warners to Trade Show Six Films in September

Warner will tradeshow six features—"The Old Maid," "The Roaring Twenties," "A Child Is Born," "The Lady and the Knight," "Dust Be My Destiny" and "Gantry the Great"—in 32 keys in early September under plans now being developed by Grad Sears, company's sales chief. Screenings will be in theaters mornings.

Para. Working on Deals to Distribute Indie Shorts

Details of deals for the distribution of independently produced shorts may be announced by Paramount in about 10 days, Lou Diamond, head of the short subjects department, said yesterday upon his arrival here from the Coast. Diamond said he saw hundreds of reels during his six-week stay in Hollywood and that several groups would be taken on for release by the company.

Levy Arrives Friday

With the return here Friday of Morton Levy, drive leader of the annual 20th-Fox Kent sales campaign, first swing of this year's drive will be wound up with a meeting at Harry Buxbaum's New York exchange. Herman Wobber, general manager of distribution for the company will attend the meeting.

Wobber returns today from Chicago where he attended the Eckhardt dinner. He will go to Buffalo tomorrow night to attend the Famous Players convention on Thursday, returning Friday morning. He will also attend the Schine meeting in Gloversville next week.

Struck Mines Reopen

Cincinnati—Finale of the recent coal mining strike was written last week with the signing up of workers at Harlan, Ky., and Kingston-Pocahontas and The McKell Co., in W. Va. All mines have now resumed operations and theaters are gradually re-opening, with full running order predicted by Sept. 1.

Grainger Back Tomorrow from Atlanta and Dallas

James R. Grainger, Republic's president, returns to New York tomorrow by plane, following brief business trip to Atlanta and Dallas. In former city, he conferred with Arthur Bromberg and all branch managers of Southern Division; and yesterday commenced two-day huddles with franchise holders W. B. Underwood and Claude Ezell of Dallas, Sol Davis, Oklahoma City franchise holder, and B. F. Busby, Little Rock franchise holder, in the Texas city.

Company's home office announced yesterday that deal for a group of its features and serials has been concluded with B. Jani, representing Keshaval D. Mody & Co. of Bombay, for latter to distribute in India, Burma and Ceylon territories. Mody offices are in Bombay, Calcutta and Delhi. Firm has been active in past eight years in making Hindu pictures, and will concentrate in future on own productions' bookings and Republic attractions exclusively.

Allied of So. California Condemns Trade Code

West Coast Bureau of THE FILM DAILY Hollywood—At an open meeting of Allied States Exhibitors Association of Southern California, Arizona and Nevada, secretary James Quinn vigorously condemned the proposed fair trade practice code and urged all exhibitors to join Allied and wage a militant fight against producers and distributors. He declared the proposed code was formulated as a weapon to fight the Neely Bill and did not represent points previously agreed upon by exhibitors and distributors. He accused distributors of not giving exhibitors any leeway, of overcharging for pictures and forcing short subjects on them. He denied charges that Allied at its Minneapolis convention had rejected code without giving distributors a hearing. Sec. Robert Poole of Independent Theater Owners of Southern California and Arizona who attended meeting as an observer, denied that his organization had signed the code declaring that it was awaiting arrival of William F. Rodgers in August.

National Theaters H. O. Conference Ends Tonight

Home office conference called by Spyros Skouras, National Theaters chieftain, which is being attended by division managers and home office executives, will wind up tonight. Arch M. Bowles, Rick Ricketson, Frank Newman, Elmer Rhoden, Charles Skouras, Harold J. Fitzgerald and David Idzal are attending the session from the field. Company problems featured discussions.

COMING AND GOING

HERMAN WOBBER, general manager of distribution for 20th-Fox, returns today from Chicago.

JOHN W. HICKS, Paramount's vice-president in charge of the foreign department, arrived yesterday in New Zealand from Vancouver, accompanied by MRS. HICKS and their son, JOHN. On Saturday, next, they are scheduled to arrive in Sydney.

JULES LEVY, general sales manager for RKO, leaves today for Niagara Falls to attend the Famous Players annual convention.

J. M. MILLER, Alabama exhib., H. R. JOHNSON, St. Louis exhib., J. C. SCHILLING, Indiana exhib., and C. O. WOMSER, also a St. Louis exhibitor, were recent visitors at the RKO Lounge.

MORTON LEVY, Kent Drive leader this year, and ROGER FERRI, editor of the 20th-Fox house organ, Dynamo, return to New York Friday morning after a visit to the company's branches throughout the country.

CHARLES H. RYAN, assistant zone manager for Warners in Chicago, and HERBERT W. WHEELER, district theater manager, were in N. Y. last week.

AL RAYMER, booking manager for the Indiana and Illinois theater circuit, is on a motor trip through the west with his wife.

W. WARD MARSH, movie critic of the Cleveland Plain Dealer, and his family are vacationing in California.

ALLEN SPARROW, manager of the Loew house in Richmond, has returned there from a Florida vacation.

EDITH LINDEMAN, movie critic of the Aimes Dispatch, Richmond, arrives here this week-end for a vacation.

BERTRAM WILLOUGHBY, president of Ideal Pictures, Chicago, returns to this country early in August from Europe.

MAX TSCHAUDER, manager of the Roxy theater, Springfield, Ill., has returned there after a New York vacation.

ARTHUR W. EDDY, of the Warner Bros. Coast publicity department, leaves Hollywood today for New York for a month's stay.

Nebraska-Iowa Exhib. Unit Said Weighing Buying Pool

(Continued from Page 1)

tribution territory with Prexy Charles Williams in charge.

Possible membership is over 200 indie exhibs., with present membership less than half that number. Drive will continue from now until annual convention late in September.

Plan is to get indie exhibs. in this area in some sort of an organization to protect their interests. A buying pool of some kind has been whispered as the main objective of the campaign.

Campaign will be directed by Williams with the following district leaders: Dale R. Goldie, American Theater, Cherokee, Ia., southwestern Iowa; Bill Bogart, Orpheum, Rock Valley, Ia., northwestern Iowa; Harold Schoonover, Mazda, Aurora, Neb., southern Nebraska; Mons Thompson, Riviera, St. Paul, Neb., northern Nebraska.

Mr. Busy Executive!

Are you looking for a trustworthy and capable assistant (whose experience is more than well versed in picture production, theatrical and radio fields)? Salary secondary. Will you grant me an interview? I will prove my worth to you.

REPORTS FRANCE MAY ABOLISH FILM VISAS

(Continued from Page 1)

opportunities in the market, American producers would benefit to the greatest extent, due to the quantity and quality of American product.

Wide political significance is attached to the move, with the general interpretation here being that it is a good will gesture toward the U. S. However, it is also believed that this is part of a campaign already under way to impress the U. S. with the importance of the Democratic powers as markets by increasing the opportunities for sale of American products in the hope that it will tip the scales in favor of the democratic powers if much needed materials are sought in America in the event of war.

Major foreign departments last night reported that they had received information that abolition of the French visa system was being contemplated by the government, but no further clarification could be had.

Celebrate Eckhardt Jubilee; 20th-Fox Exchange Opened

(Continued from Page 1)

manager at the Congress Hotel last night, was pronounced a complete success. Eckhardt received a chest of monogrammed silver from the 20th-Fox execs. and numerous other gifts.

Affair was in the nature of a dual celebration as the new 20th-Fox exchange was opened yesterday afternoon. Surprise of the evening was the showing of shots taken at the exchange opening earlier in the day.

Felix Mendelssohn was toastmaster with Lew Lehr acting as guest toastmaster. Speakers included Herman Wobber, W. C. Gehring, Jack Kirsch, Jack Osserman, E. T. Gommersall, James Coston, John Balaban, Jack Miller, Henry Herbel, W. E. Banford, Walter Branson, Allen Usher, Truman Talley, E. H. McFarland and Eckhardt, who expressed his appreciation.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 25

William de Mille
Lila Lee
Al Pearce
Bob Wolff
Harry H. Zehn
Arthur Lubin
Johnny Hines
Philippe De Lacey
Mortimer D. Sikawitt

ALONG THE



with PHIL M. DALY

● ● ● MEMORIES.....evoked by the little party held yesterday afternoon at the RKO Palace Theater.....when a gathering of the vaudeville clans was held in the lobby by way of celebrating the 26th birthday.....and to give the oldtimers a last glimpse of the old lobby landmark.....for they are going to streamline it to compete with the modern trend in picture theaters.....

● ● ● AND so the oldtimers and the newtimers foregathered there.....and had opportunity to reminisce a little as announcer Martin Starr of WMCA interviewed them over the radio..... after the broadcast, all hands adjourned downstairs for refreshments.....and a lot more reminiscing among the old vaude favorites who met together in their beloved Palace for probably the last time.....

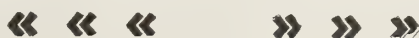
● ● ● AMONG them was Ed West.....the only survivor of the original B. F. Keith bill.....which was given at Keith's Family Theater in Boston in 1883.....56 years ago.....at that time the firm was Keith & Bachelor.....the bill started with Ed West opening the olio.....then Perry & Herron.....Charles Barrett.....the Whipler Twins in their dancing act.....then Fox & West in a comedy act.....

● ● ● TO appear at the Palace in the old days was a guarantee of professional recognition.....the theater was built in 1913 by Martin Beck, who was then prexy of the Orpheum circuit it was taken over the same year it was built by B. F. Albee to become the key theater of the B. F. Keith circuit, which booked about 1500 theaters and controlled some 20,000 performers throughout the country.....that was in the days before films loomed large on the horizon.....

● ● ● IT was in the '80's that B. F. Keith and Albee became partners.....they were responsible for introducing "refined" vaude to a public fed up with poor entertainment.....they eventually attracted most of the noted actors and actresses of the world.....Keith died in 1914, his son Paul taking his place until his death in 1918.....Albee retired in 1928 when RCA bought an interest in the company, changing the firm's name to Radio-Keith-Orpheum.....in 1938 George Schaefer was elected president, and John J. O'Connor general manager of RKO which controls the Palace.....Charles B. McDonald is the division manager, and Ray Conner the resident manager.....

● ● ● ATTENDING the ceremonies yesterday were the following Oldtimers and Newtimers.....Jay C. Flippen, Dave Apollon, Ben Blue, Radio Rogues, Milton Berle, Garner, Wolfe & Hakens, Sid Marion, Sid Gary, Bob Olin, Judy Canova & Canova Family.....Billy Gould & Jay Brennan, Olie Olsen, Phil Silvers, Lew Hearn, Jackie Heller, Ward & Van, Al Raymond of Raymond & Calvery, Margot Crangle, Harry Richman.....

● ● ● WHEN Skouras Brothers proposed to switch Manager Adolpho Caruso of the Forest Hills theater to another house, a storm broke, with 1500 signatures on a petition demanding he remain..... Our old pal, Norman Corwin, late of the 20th Century-Fox publicity, is getting all sorts of honors for his CBS drama, "They Fly Through the Air With the Greatest of Ease".....an answer to Benito Mussolini's famous, or rather infamous, remarks on Ethiopia bombings.....



ALABAMA EXHIBITOR'S TRUST SUIT NAMES 11

(Continued from Page 1)

Radio; Warners; Vitagraph; Twentieth Century-Fox; Fox Films; Loew's, Metro - Goldwyn - Mayer; United Artists and Louis Rosenbaum.

Rosenbaum is the operator of a string of theaters in northern Alabama, with headquarters at Florence.

Buchanan, operating as the Buchanan Amusement Co., alleges the defendants conspired to keep him from securing films. He said he had been offered second-run pictures or first-runs on those rejected by the Crescent Company.

Buchanan asks damages of \$100,000.

Asks Security Wages For Studio Craftsmen

(Continued from Page 1)

man. Tentative demands will also ask for minimum six hour call, seniority system pay for cancelled calls, time and half for night shift and double time for grave yard shifts.

It is believed demands of Soundmen's Local 695 of IATSE that only members of that local be employed to do sound work of any nature for studios and that current negotiations for wages and conditions be retroactive to March 15, will be held over until the new basis agreement between studio locals and producers is negotiated.

"Carnival In Flanders," Darrieux Pix for Tele

Fine-combing of the smaller indie pix companies by RCA-NBC for feature and shorts to serve on local television programs continues, in face of the ban which is being rigidly exercised by both the majors and top-bracket indies.

Despite difficulties being placed in the path of the tele interests locally anent supply of films, RCA-NBC has succeeded in grabbing from American Tobis the feature "Carnival in Flanders," which will be shown to metropolitan tele set owners Saturday night from 8:30 to 10 o'clock.

It was said a deal has also been closed with French M. P. Corp. for televising "Mile. Mozart," one of the early screen efforts of Danielle Darrieux.

Duals to Exit?

Detroit—General shift away from duals is "likely," according to Carl Buermele, general manager of Co-operative Theaters of Michigan.

Move has been discussed at several meetings of Co-op directors, it was stated, and sentiment for single features is described as strongest in some time.

PIX BIZ BIG DESPITE FAIR'S BARGAIN RATE

(Continued from Page 1)

stands,—namely action of the World's Fair in dropping its admish price. Despite this move, both the film and legit houses grabbed excellent revenue.

The Paramount reported strong business with its new pix, "The Magnificent Fraud," plus Bob Hope's p.a. on stage; Strand, offering the Cagney-Raft opus, "Each Dawn I Die," enjoyed very big business,—Warners home office claimed a new week-end record—as did Radio City Music Hall with UA-Edward Small's "Man in the Iron Mask" in second week there.

Patronage accorded the Capitol's, "Andy Hardy Gets Spring Fever"; "Second Fiddle," in its fourth week at the Roxy, and "Goodbye, Mr. Chips," playing its 11th week at the Astor, hit big volumes this past week-end, with even the smaller Broadway stands profiting.

50 P. C. of Possibilities Already Set by 20th-Fox

(Continued from Page 1)

ring, central division manager, told THE FILM DAILY here yesterday. Gehring is here for the Clyde Eckhardt dinner along with other 20th-Fox execs.

A heavy newspaper advertising campaign for the Chicago premiere of "Stanley And Livingstone" is planned in addition to the national campaign on the picture, he reported. More than 160 huge billboards will be used here, he said. Gehring also stated that openings in other key cities during the same week will be similarly exploited with more than 1,200 billboard signs planned for these openings.

Gehring said that last season's number of total sales accounts for the company, which hit the 11,800 mark, would be topped considerably this year from all indications at this time with the company's annual Kent sales drive already under full headway. It was also learned that the National Geographic magazine will be used in the extensive "Stanley And Livingstone" ad. campaign.

WEDDING BELLS

Richmond, Va. — Leah Elsner, cashier, State, was secretly married to Rucker Brewster in South Mill, N. C., on June 18, it is disclosed.

Cleveland—Julius Bossel, assistant booker at Republic Pictures and Miss Marion Wasserman of this city, will be married Aug. 27.

Detroit—Thomas Smale, operator at the Grand Theater, married Theresa Geczy, theater's cashier.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twenty-second installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 22

IX. ARBITRATION PROCEEDINGS

(1) *Statement of Claim:* To begin an arbitration, the complaining party must deliver or mail to the Secretary of the Permanent Arbitration Board a statement of the claim and a copy of it.

Contents of Statement: The claim must set forth in non-technical language:

- (a) Name and address of the complaining party.
- (b) Name of theater involved in dispute and name of the party against whom the claim is made.
- (c) If the dispute involves overbuying, the name of the distributors entitled to notice.
- (d) A brief statement of the claim and the relief sought. If a contract is involved, the date of the contract and the names of the parties to it.

(e) A demand for arbitration and, if the Permanent Arbitration Board is not desired, a request that the dispute be submitted to a Special Arbitration Board.

(f) The designation of an arbitrator to serve if the complaining party requests a Special Arbitration Board, or if the party complained against should make such a request. If the case relates to clearance and there are, therefore, three parties involved, the third being the distributors as a group (see Article V (3)), then the distributors may also request a Special Arbitration Board.

Filing Fee: Every statement of a claim must be accompanied by a filing fee of \$5.

(2) *Notice of Claim:* The Secretary shall promptly deliver or send by registered mail a copy of the claim to the party complained against. If the dispute involves clearance, such notice must also be sent to the distributors as a group (see Article V (3)).

Acknowledging Claim: Within seven days after the delivery or mailing of such claim, the party who receives it shall deliver or send by registered mail to the Secretary, a written acknowledgement of its receipt.

Designating Arbitrator: If the complaining party requests a Special Arbitration Board, or if any party complained against requests a Special Arbitration Board, then the written notice of acknowledgement shall also contain a designation of the arbitrator.

(Twenty-third installment will appear in an early issue.)

IATSE Seen Granting Charter to AFA Group

(Continued from Page 1)

ecutive secretary of the actors union, it was believed yesterday that George E. Browne, IA prexy, might use this opportunity to open a campaign for a jurisdictional grab in the actors' field by granting an IA charter to the AFA.

A formal application by the AFA for affiliation with the IA was made at the week-end. Browne has long sought jurisdiction in the acting field, but has been blocked to date from making any real move in this direction. The IA chieftain has the right to issue a charter without consulting anybody else between conventions.

However, if Browne gives the AFA a charter, a bitter fight is anticipated as the AAAA, parent organization of the various actors unions, is definitely not going to let Browne get a toehold in the acting field if they can prevent it. Ken Thomson, executive secretary of the SAG, has stated that as far as his organization is concerned, jurisdiction by the IA would never be permitted.

Meanwhile, the American Guild of Variety Artists, chartered about a week ago by the AAAA as a result of the AFA-AAAA battle, has gone ahead of its organization campaign and last night claimed a membership of 1,200. Officers are being opened by the new union today at 11 West 42nd St. with Mrs. Florence Marston, eastern head of the

SAG, set to head the organization until an executive secretary is appointed.

Due to the fact that both the IA and AAAA are A F of L members, it is probable that no decisive action will be forthcoming on the jurisdictional question, as far as legality goes, until the A F of L executive Council meets in Atlantic City on Aug. 7.

Mass. Labor Relations Com. Reserves TMAT Case Decision

Springfield, Mass.—After a three-hour hearing marked by heated counter accusations of opposing counsel, the Labor Relations Commission took under advisement the eligibility of seven employes and former employes of Western Massachusetts Theaters, Inc. to vote to determine the right of the TMAT Union to certification as bargaining agent for the employes concerned.

The importance of the case to the Union was indicated by the presence at the hearing of Gustav A. Gerber of New York, general counsel; Charles P. Carroll, national chairman of the motion picture division of the union, Thomas E. Roche, New England director, and Attorney Edward Copen of Boston.

Present for Western Massachusetts Theaters, Inc., were Harry M. Ehrlich, counsel; Nathan E. Goldstein, president; Harry Smith, division manager and William Althous, treasurer.

Commissioners Michael F. Phelan, chairman and Francis J. Curran, of Holyoke, sat for the Commission.

GOLDWYN SIDESTEPS ALL SUIT QUESTIONS

(Continued from Page 1)

at his Waldorf Towers suite. Goldwyn refused to discuss the case, explaining that he did not want the suit to be "fought out in the newspapers."

"The Great Music Festival" had its inspiration in the playing of Jascha Heifetz, star of "They Shall Have Music," which has its premiere tonight at the Rivoli. Goldwyn said he intended to bring over some of the great artists of Europe, particularly those who have no place in which to express themselves. He said he intended to use an orchestra of 100 children, chosen for their ability from the musical centers of the world and that he was negotiating with Deems Taylor to assist him in selecting the artists and the personnel of the orchestra. He plans to invite Arturo Toscanini to direct the festival. Production will start in about a year.

Goldwyn insisted that he came to New York strictly for the premiere of "They Shall Have Music" and for no other purpose. The premiere is for the joint benefit of the Greenwich House Music School and the High School of Music and Art.

Two new Goldwyn pictures will go before the cameras late this summer. They are "Hans Christian Andersen" and "Raffles."

Hear Tremble May Delay Departure From UDT Post

(Continued from Page 1)

according to informed sources at the theater offices here. Retiring president George W. Tremble, slated to retire, Aug. 1, may hold on a while longer to allow the changeover to be made.

Gentile to Sanitorium

West Coast Bureau of THE FILM DAILY Hollywood—John Gentile, of the Motion Picture Process Corp., has been ill since last January, is leaving this week for the Veteran's Sanitorium in Whipple, Ariz., to recuperate.

STORKS!

Detroit—Mrs. Eleanor O'Rourke, formerly partner in the Artists Service Bureau, is the mother of a six pound son, Michael Anthony.

Cleveland, O.—Ted Vermes, owner of the Eclair Theater, is receiving congratulations upon the arrival of a son as playmate to his 27-month-old daughter.

Detroit—Ben J. Cohn, Detroit circuit owner, is the father of a new son, Yale.



SOMETHING'S GOING TO CRASH!!

(Including your record on 'Angels with Dirty Faces'!)

CAGNEY and RAFT together!!

"EACH

DAWN

"I DIE"

with Jane Bryan
George Bancroft
Maxie Rosenbloom
Directed by
WILLIAM KEIGHLEY
Screen Play by Norman Reilly
Raine and Warren Duff
From the Novel by Jerome Odum
A First National Picture

WARNERS

Made 'Angels'!

WARNERS

Made the Picture that Tops it!

WARNERS

For Action!
For Fair Play!

JACK L. WARNER
in Charge of Production

HAL B. WALLIS
Executive Producer

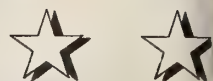
DAVID LEWIS
Associate Producer

IT CRASHED!

FIRST PRE-RELEASE
'EACH DAWN I DIE' SMASHES
ALL N. Y. STRAND RECORDS!
WEEK-END GROSS IS
HUNDREDS OVER 'ANGELS'!
(played Thanksgiving!)



REVIEWS OF THE NEW FILMS



"Way Down South"

with Bob Breen, Alan Mowbray,
Ralph Morgan

RKO Radio-Lesser 62 Mins.

(HOLLYWOOD PREVIEW)

ONE OF THE BETTER BREEN PIX SHOULD DO WELL AT THE BOX-OFFICE.

This Sol Lesser production can be considered one of the better Breen pictures, and indicates that the youngster is growing up. The direction by Bernard Vorhaus is smooth and he keeps the piece moving at a nice pace. The story and screenplay, written by Clarence Muse and Langston Hughes, is built around the early days in New Orleans prior to the Civil War and is very colorful material. Breen is the son of Ralph Morgan, a plantation owner. Morgan is accidentally killed and Breen is left in charge of Edwin Maxwell, a crooked executor for the estate, who makes an attempt to sell the slaves and leave with the money. Breen, with the aid of Alan Mowbray, an innkeeper, prevents the sale and they have Maxwell removed from his position. Clarence Muse and the Hall Johnson Choir add a great deal to the entertainment of the picture with their singing. The songs, "Louisiana" and "Good Ground," were written by Muse and Langston Hughes. Breen's singing, as usual, is excellent, and his acting shows considerable improvement. Alan Mowbray delivers solidly in his role as the innkeeper. Ralph Morgan does well during his short appearance on the screen. Steffi Dunna is effective as the girl friend of Maxwell, and Sally Blane handles the other romantic role capably, while Charles Middleton and Robert Greig turn in good performances. Victor Young deserves much credit as musical director on the piece, and the photography by Charles Schoenbaum is high-grade. As a whole, Sol Lesser has given the picture nice production value and it should do well at the theaters in which it is shown.

CAST: Bob Breen, Alan Mowbray, Ralph Morgan, Clarence Muse, Steffi Dunna, Sally Blane, Edwin Maxwell, Charles Middleton, Robert Greig, Lillian Yarbo, Stymie Beard, Jack Carr, Marguerite Whitten, Hall Johnson Choir.

CREDITS: Producer, Sol Lesser; Director, Bernard Vorhaus; Authors, Clarence Muse and Langston Hughes; Screenplay, Same; Cameraman, Charles Schoenbaum, ASC; Art Director, Lewis J. Rachmil; Editor, Arthur Hilton; Special Effects, Vernon L. Walker, ASC; Musical Director, Victor Young; Vocal Arrangements, Hall Johnson; Songs by Clarence Muse and Langston Hughes.

DIRECTION, Smooth. PHOTOGRAPHY, Good.

Sunday Pix Referendum

Augusta, Me.—A law permitting Sunday motion pictures in the state under local option became effective July 21. More than a dozen communities are planning to include a referendum on the ballot in the Fall election.

Gibraltar Adds One

Denver—Charles Gilmour, president of Gibraltar Enterprises, has added the Midwest theater, Midwest, Wyo., to the string of houses operated by the company.

"Should Husbands Work?"

with James Gleason, Lucille Gleason

Republic 71 Mins.

GOOD QUOTA OF LAUGHS IN FAMILY MIXUP OVER WIFE TAKING HUSBY'S JOB.

A sprightly yarn of the Higgins family, in which Jimmy Gleason learns that the cosmetic concern for which he works is about to be merged with a concern owned by Berton Churchill. The inevitable mixup occurs when Gleason's wife informs the wife of the new owner that the cosmetic concern about to be taken over is in bad financial shape. She does this in an effort to save Jimmy's job. Meanwhile the husband has been out golfing with the new owner, who offers to make him general manager of the merged concerns. Thus the fun starts, with the deal being called off, and Gleason out of a job altogether. But Ma promotes herself into the managerial job by using hubby's information of cosmetics manufacture and selling Churchill the idea that a woman can handle cosmetics better than any man. The situation creates a series of hilarious incidents, with Gleason finally coming into his own by virtue of owning ten shares of the old company's stock which is essential in consummating the final merger. Thus his wife goes back to housekeeping which Jimmy had been handling while she held the executive job. Grandpa, played by Harry Davenport, rolls up some good snickers with his interfering, and there is the romantic interest between Russell Gleason and Marie Wilson. Selling angles: good family picture, with question as to whether wives or husbands should work; comedy antics of grandpa.

CAST: James Gleason, Lucille Gleason, Russell Gleason, Harry Davenport, Marie Wilson, Mary Hart, Tommy Ryan, Berton Churchill, Henry Kolker, Arthur Hoyt, Barry Norton, Mary Forbes, William Brisbane, Harry Bradley.

CREDITS: Producer, Sol Siegel; Director, Gus Meins; Authors, Jack Townley, Taylor Caven; Screenplay, same; Cameraman, Jack Marta; Editor, William Morgan.

DIRECTION, fair. PHOTOGRAPHY, good.

Chesbrough Houses Split

Cincinnati—Mrs. Ethel Chesbrough will have full control of 12 of the 14 houses operated by The Chesbrough Circuit, Columbus, O. Two theaters, The Sales, and The Empress, will be controlled by William Chesbrough.

CF-Dunningcolor Deal

West Coast Bureau of THE FILM DAILY Hollywood—Cartoon Films, Ltd., is talking a deal with Dunningcolor which, if consummated, may cover the entire output of the new Dunningcolor plant, scheduled to go into production in early August.

McClausland on FP Board

West Coast Bureau of THE FILM DAILY Hollywood—Alfred H. McClausland has been made a member of the board and vice-president of Famous Productions, it was announced by Harry Edington. McClausland joined Edington in April.

"Waterfront"

with Gloria Dixon, Dennis Morgan

Warners 61 Mins.

STRONG MELLER ACTION AND THRILLS ONLY VIRTUE OF LOOSELY WRITTEN STORY.

Just a filler on the second end of a dual, and only good for the smaller houses in the cheap neighborhoods where the waterfront type of life might appeal. The wealth of action is its saving grace, but the story is too illogical to carry conviction. Dennis Morgan plays the role of the president of the dock workers who is always finding himself in trouble through his ready use of his fists. Gloria Dickson is his love life, and when she finally gets him married, it looks as if she has him straightened out. But a rival who wants to be head of the stevedores throws a whiskey bottle at the dockworkers' annual ball, and kills Morgan's young brother. Then the fighting instincts of the hero overcome him, and his desire for revenge as he goes out to get the killer regardless of the police. There ensues a lot of hectic incident and some good thrill action stuff, with a scrap that will please the fans. The finale has the hero's wife intervening, and almost losing her own life before her husband with the terrific temper realizes he has no right to take the law into his own hands. The lack of plausibility in the characterizations and story make it tough for any of the players to do commendable work. The comedy of two characters stooging along with the hero and heroine fails to get the laughs.

CAST: Gloria Dickson, Dennis Morgan, Marie Wilson, Larry Williams, Sheila Bromley, Aldrich Bowker, Frank Faylen, Ward Bond, Arthur Gardner, George Lloyd.

CREDITS: Director, Terry Morse; Author, Kenyon Nicholson; Screenplay, Lee Katz, Arthur Ripley; Cameraman, James Van Tees; Editor, Louis Hesse.

DIRECTION, Weak. PHOTOGRAPHY, Okay.

"Ecstasy" Appeal Sept. 11

Albany—Papers have been served by Henry Pearlman, counsel to Eureka Productions, Inc., upon the Board of Regents and the Department of Education, in the matter of "Ecstasy." The appeal from Dr. Irwin Esmond's denial of an exhibition license, later affirmed by the Board of Regents, is to be heard in the Appellate Division, Third Department, Sept. 11.

To Handle French Prize Pix

"Quai des Brumes" ("Shadows in the Fog") has been awarded the prize for the best French picture of the year by the Ministry of Education. Marcel Carnes, the producer, is the award's recipient. The feature will be released in this country by Film Alliance of the U. S. in early September.

Frown on Jitterbugs

Chicago—Manager of B & K's State Lake theater was served with a police warrant because of the jitterbug contest under way there.

"Mr. Moto Takes a Vacation"

with Peter Lorre, Joseph Schildkraut,
Lionel Atwill

20th Century-Fox

61 Mins

GOOD SUSPENSE IN TYPICAL MOTO MURDER MYSTERY WHICH WILL PLEASE THE THRILL FANS.

Lively adventure of the bland and pleasing Mr. Moto in the person of Peter Lorre, who tries to take a little vacation but finds himself up to his neck in another murder mystery. But it turns out that the Oriental sleuth is pulling another of his stunts as a Japanese tourist. His real job is to look after a gent who is working for the San Francisco Museum as an archeologist and has dug up the jewels of no less than the Queen of Sheba. Of course there is an international crook after such priceless treasure, and Mr. Moto has his hands full and runs into some pretty dangerous adventures before he finally sees the treasure safe at its destination and the murderous crook apprehended. The Moto fans will like this one, for it is up to standard in thrills and action. Nice work contributed also by Joseph Schildkraut, Lionel Atwill and Virginia Field.

CAST: Peter Lorre, Joseph Schildkraut, Lionel Atwill, Virginia Field, John King, Iva Stewart, George P. Huntley, Jr., Victor Varconi, John Bleifer, Anthony Warde, Harry Strang, John Davidson.

CREDITS: Producer, Sol Wurtzel; Director, Norman Foster; Screenplay, Philip MacDonald, Norman Foster; Cameraman, Charles Clarke; Editor, Norman Colbert.

DIRECTION, Good. PHOTOGRAPHY, Okay.

Schaindlin Doing Music

Jack Schaindlin, formerly composer and arranger with Milton Schwarzwald, will do the background music for Universal's "Going Places" and "Stranger Than Fiction" today at the Eastern Service studios, recording with a 25-piece orchestra. Shorts were produced by Joseph O'Brien and Tom Mead.

Series in Cinemachrome

West Coast Bureau of THE FILM DAILY Hollywood—Retsana Studios has signed Geraldine Spreckles for a series of Cinemachrome film features. "Trail Blazers," written by Leonard Smith, first of the series, goes into production Aug. 1 with Dan B. Shackelford as cameraman.

Anderson Retiring Again

Denver—By selling the Cover and U. S. A. theaters at Fort Morgan to J. C. Parker, who also operates in Texas, John Anderson is making a second effort to quit the theater business. A few years ago he sold to Edwin Bluck but bought them back when California, where he went to retire, pulled on him.

REVIEWS OF THE NEW FILMS

"Renegade Trail"

with William Boyd, George Hayes

Paramount 61 Mins.
PLenty OF ACTION THRILLS WITH
LOng COMING TO A LADY'S RES-
UE.

Strong action picture with William Boyd as Hopalong Cassidy called upon by his old pal, George Hayes as Windy who is now town marshal, to help him fight a gang of outlaws. Russell Hayden and Boyd decide to kick in and straighten things out, especially after Boyd grows interested in Charlotte Wynters, whose ranch is being made the subject of depredations by a gang of outlaws. The situation is complicated by the fact that the lady has a husband who is an escaped convict tied up with the outlaws. She tries to shield her boy Sonny Bupp, from the knowledge that his dad is a convict, and lets him and Boyd think that the convict is her brother. The finale has a showdown with the rustler gang in a lively gun fight that is backed up with plenty of other incidents supplying tension and thrills. Russell Hopton does a good menace as the convict husband who loses out when he openly sides with the rustlers. George Hayes supplies the laughs as a comedy marshal. The kids will like little Sonny Bupp, and Boyd as usual does a fine job along with his side-kick, Hayden. Charlotte Wynters is one of the most attractive femmes seen in westerns for a long time.

CAST: William Boyd, George Hayes, Russell Hayden, Charlotte Wynters, Russell Hopton, Sonny Bupp, Jack Rockwell, Roy Barcroft, John Merton, Bob Kortman.

CREDITS: Producer, Harry Sherman; Director, Lesley Selander; Screenplay, John Rathmell; Cameraman, Russell Harlan. Fine.

"Sudan" to Leichter

West Coast Bureau of THE FILM DAILY
Hollywood—Mitchell Leichter has made a deal, whereby he will handle distribution of "Sudan," African animal picture, for U. S. and Canada, with exception of the New England states, which have been sold. Leichter will sell the six-reel attraction to State Right buyers.

Retsama Signs Keating

West Coast Bureau of THE FILM DAILY
Hollywood—Fred Keating has been signed to play the male lead in "The Trail Blazers," which will be made by Retsama Film Prods., with Geraldine Spreckles as the star. Jayne Regan, Helen Holden, Charles Hartman and Paul Frohman have been signed for roles in the picture, which will be made in Cinemachrome.

Salesmen to Form Club

Cincinnati—All salesmen connected with the mid-west territory distributing companies, will meet at the local Variety Club, Aug. 4 at 8 p.m. in order to organize a Salesmen's Social Club, according to letters to be mailed to all representatives of exchanges, by Pete Niland, of Columbia.

★ SHORTS ★

"Ave Maria"

French Film Exchange 10 mins.
Impressive

Some views of the splendid cathedral of Notre Dame de Chartres in France. The interior views are very impressive. The various statues and groups are seen in close-up. There follow in order the Christ, the disciples, the martyrs, the patriarchs and the prophets. The stations of the cross, and episodes in the life of the Christ and the Virgin Mary. The camera pams around the great edifice, and to the altar and the upper reaches of the vast cathedral. In this manner the masterpieces of the early centuries are seen in all their beauty. Jenny Tourel, of the Opera Comique, sings Gounod's "Ave Maria" divinely, making a very impressive interlude as the camera swings high through the arched shadows of the cathedral. The organist is Henri Nibelle, of the chapel of Saint Francois de Salles. A narrative explains the significance of the camera story. Music of Bach, Casciolini, Gounod and Mozart add dignity and beauty to this religious subject.

Popular Science (J8-6)

Paramount Varied 11 mins.

The Coast Guard demonstrate new devices for saving lives in shipwrecks. The funny side of miniature auto racing. The new safety device, polaroid glass, eliminating glare on highways and cutting down accidents. Milady shows the new gadgets for making bathing more enjoyable, a life saving belt that blows up when needed, and a smoking outfit that is waterproof. A catapult device for trout casting. New style hot dog broiler for the picnic lunch. The electro-magnet that removes steel splinters from eyeballs of industrial workers.

"Rembrandt"

French Film Exchange 10 mins.
Class in Art

The history of painting is attempted in a somewhat sketchy manner, tracing the art from its legendary source in Greek mythology of the girl who traced the profile of her sleeping swain with charcoal on the wall by torchlight. From this developed the science of draftsmanship and color and finally the full-blown art of painting. Then to the era of modern painting, with the camera study centering on Rembrandt, showing various examples of his work. The narration is very instructive and should prove of great value to all art students.

"Hello, How Am I?" (Popeye)

Paramount Double Trouble 7 mins.

Popeye has his troubles with an impostor in the form of Wimpy who dolls himself up with a false-face to look exactly like the hero. For Wimpy has heard that Olive has invited Popeye over for hamburgers. They arrive together, with Popeye dizzy trying to explain to himself how this other fellow seems to be Popeye. Olive is fooled, also, and by the time Wimpy eats all the hamburgers, Popeye gets sore enough to beat him up and discover the false-face fraud.

"Trip to the Sky"

French Film Exchange 10 mins.
Scientific

An instructional film that is more for the classroom than the theater. It covers some elementary principles and many theories about the celestial spaces, which purport to be based on recent scientific research. But the film has too many evidences of loose technique and presentation to meet with approval of more serious students. An imaginary trip is made to the moon, and then to Mars, and Saturn. This film was awarded the Grand Prix for scientific films at the French exposition of 1937. That dates it.

"Yip-Yip-Yippy" (Betty Boop)

Paramount Novelty 7 mins.

The birth of a new cartoon character is seen, with Max Fleischer introducing Vanilla, a gay little horse. Then the story gets going with a thrill meller as a soda clerk is deputized by the sheriff just as the bad man hits the town. His trusty horse is Vanilla, whose comedy antics add greatly in making the clerk a hero.

"Colombia" (Color Cruise)

Paramount Travel Thrills 10 mins.

Journey through the mountainous country of Colombia, with the greatest peaks in South America. The old landmarks dating back to the time of the Spanish conquerors are everywhere seen in the walled cities and crumbling fortresses. The modern activities show the gold dredging and the coffee industry. There is a thrilling ride on a dizzy suspension cable car to the top of a peak. In Cinecolor.

McGuire Joins Mich. Co-op

Detroit — Thomas McGuire, formerly manager of the Hollywood Theater, has been made director of public relations for Co-operative Theaters of Michigan. He will handle labor relations, legislative contacts, and refrigeration problems, Carl Buermele, general manager, said.

★ FOREIGN ★

"Harvest"

French Cinema Center 80 Mins.
STRONG ROMANTIC DRAMA OF RURAL FRANCE, SPLENDIDLY ACTED BY EXPERT CAST.

Possessed of ruggedness, honesty and interest,—because it deals with fundamentals in the structure of life and living, and does it well,—this feature, filmed in the French Alps and in the Marseilles studios of Marcel Pagnol, who also directed the opus and prepared the scenario and adaptation from the novel, "Regain," penned by Jean Giono, is an unusual photoplay which should be received with enthusiasm by discriminating adult audiences. Noteworthy characterizations are supplied by Gabriel Gabrio, as the farmer; Crane Demazis, as the girl whose inspirational guidance and love raise him from the rut of decadence and futility; Fernandel, in the role of the itinerant knife-grinder who had enslaved and oppressed her; Le Vigan, the police sergeant; and Edouard Delmont, who interprets the aged blacksmith. Essentially the story is one of psychology and attending behaviorism,—so direct and simplified that at times it carries the feeling of a documentary subject delineating farming in Provence. It is this quality and severe charm which is disarming, for the theme, despite its elemental substance is big. It is the story of man and the soil, demonstrating that the latter is generous when the former is strong. It is, too, the story of man and woman, recounting how life is generous where inherent character is substantial and accorded opportunity to assert itself. Additionally is recounted the precept that communities perish when the spirit of inhabitants fail. The romance of the farmer and girl is supplemented by dramatic sequences, and excellent comedy supplied by Fernandel.

CAST: Gabriel Gabrio, Edouardo Delmont, Fernandel, Orane Demazis, Le Vigan, Rollan, Henri Poupon, Odette Roger, Paul Dullac.

CREDITS: Producer, Scenario and Adaptation, Marcel Pagnol; Author, Jean Giono; Cameramen, Willy and Roger Ledru; Sets and Design, Brouquier and Paoletti; Original Music, Arthur Honegger.

DIRECTION, Skillful. PHOTOGRAPHY, Fair.

ITOA Outing Thursday

More than 700 motion picture theater owners who are members of the ITOA are expected to attend an all-day outing next Thursday at Indian Point on the Hudson. The Hudson River day liner Alexander Hamilton has been chartered to transport them from New York. Dave Weinstock is in charge of the arrangements for the outing.

Writ Permits Broadcast

Chicago — Grant Advertising Agency secured a temporary injunction against the city from Judge George Rush allowing it to stage the "Doctor I. Q." broadcast last night at the Chicago theater.

OTTERSON HEADS NEW TELEVISION COMPANY

(Continued from Page 1)

former Erpi and Paramount prexy, as top exec.

Certificate of incorporation, filed in Wilmington, Del., reveals J. R. West, president of Wire Broadcasting, and A. W. Pletman, president of Wholesale Radio, as vice-presidents. With nation-wide activity projected, new company is reported planning to file to do business in approximately 20 states at once.

It is understood that the various component units of the new company grossed a total of about \$4,000,000 during the past fiscal year, and Wall St. sources yesterday reported that Radio Wire Television Corp. is rumored to have initiated an underwriting deal calling for some \$6,000,000 to carry forward its expansion plans.

Coincident with the announcement of the company's formation, Ottersson cited that not only can wire networks bring radio and television into any American home from a central point, but that this end can be achieved without interference by static or other forms of atmospheric disturbance, and added "every current technological trend points to the ultimate distribution of entertainment by wire."

Technical observers yesterday expressed the view that, with existing facilities, such as were employed by RCA-NBC on the May 20 telecast of the Six-Day Bike Race from Madison Square Garden on a New York Telephone Co. circuit over a distance of approximately one mile, it would not be economically feasible to carry telecasts by telephone wire circuits to the home or "blocks of homes."

(Opposed was a statement from a source close to the new corporation that the future supply of tele programs to homes is "commercially possible and feasible.")

The Ottersson interest in television has been manifest on several occasions recently via the making available to NBC certain features imported from Europe by his Tri-National Films, Inc. Productions are chiefly from French studios.

Under the new corporate structure, the various retail outlets of Wholesale Radio, will take name of the parent company and will be further identified by the State where situated. Thus Wholesale Radio, Inc., of New York be-

Seek Curfew Change

Detroit—Petition to amend the city curfew ordinance is being made by Cooperative Theaters of Michigan to the City Council. The present law prohibits all minors from attending shows between 2 and 6 a.m., and exhibitors claim this rule embarrasses them in excluding married women. The proposed amendment will exempt all married persons.

Charges of Wholesale Film Piracy Hurlled At Indian Producers By Filminidia's Writer

Bombay (By Cable)—Charges of wholesale piracy by native Indian studios are made by K. Ahmad Abbas, writing in the current issue of Filminidia. Abbas presents the conclusion that "out of nearly 200 pictures produced in India every year, hardly 20 are original."

According to Abbas, native producers are prone to "adapt" Hollywood and other foreign pictures as well as to plagiarize "cheap, third-rate English novels, picked up at random at a second-hand bookseller's shop." Not infrequently, Abbas charges, not even the story but the sets and costumes are pirated.

Balaban and Keough Will Address FPC's Banquet

(Continued from Page 1)

held at the Hotel General Brock and will continue for four days.

Eastern managers welcomed their Western colleagues upon arrival in special trains from the Pacific Coast and the city's official greeting was tendered by Major Carl D. Hanniwell. N. L. Nathanson, Toronto, president, and members of the executive addressed the opening session before the convention broke up into regional meetings to continue until tomorrow night, when a dinner will be held at which Nathanson, J. J. Fitzgibbons, vice-president, and Don Henshaw will be speakers.

Representatives from all leading film producing companies will address the general meeting Thursday morning, and that evening a banquet will be held at which the speakers will be Mitchell F. Hepburn, Premier of Ontario, Col. George Drew, leader of the opposition, Mayor Carl D. Hanniwell, Major John Bassett, publisher of the Montreal Gazette, Barney Balaban, New York, president of Paramount, Austin Keough, Para. vice-president, and others.

comes Radio Wire Television, Inc., of New York.

Wire Broadcasting, together with principal subsidiaries including Teleprograms, Inc., of N. Y.; Telemusic, Inc., of N. Y.; Wire Programs, Inc., of Delaware; Muse-Art, Inc., of Pennsylvania; Wire Broadcasting Inc., of Pennsylvania; and Tele-Vision-Music, Inc., of Washington, D. C., will continue under present titles. Latter operate extensive wire networks supplying musical entertainment to hotels, restaurants, night clubs, homes and industrial plants.

In addition to these operating subsidiaries, the new company acquires full interest in the Trans-former Corp. of America, Tele Capital Corp., a financing unit, and the Syndak Corp. Latter is understood to own a large group of patents relating to motion picture projection, sound and lighting. New company's acquisition of patents through the new setup is augmented by licenses by Erpi, under WE and Bell Telephone and Telegraph patents.

Among the exclusive licenses held by the company is right to library of music recorded by World Broadcasting System. No advertising or commercial announcements are accepted and the company expects shortly to begin network distribution of so-called live talent shows.

10 New Features Before Coast Cameras This Week

(Continued from Page 1)

director. A dramatic and sophisticated story of a girl-thief caught by the law at the height of Christmas season, who falls in love with the District Attorney. Harry Sherman's "In Old Wyoming," a Hopalong Cassidy picture starring William Boyd. Lesley Selander, director.

At RKO, "Abe Lincoln in Illinois" starring Raymond Massey and being produced by Max Gordon and Harry Goetz. John Cromwell, director. Adaptation of Robert E. Sherwood's Pulitzer prize play. Among those in the supporting cast are Rose Hobart, Gene Lockhart, Harvey Stephens, Alan Baxter. A Boris Morros production, "Flying Deuces," Laurel and Hardy starrer with Jean Parker and Reginald Gardiner in the romantic spots. A. Edward Sutherland, director.

At Warners, "The Lady Detective" with Jane Wyman, Dick Doran, Maxie Rosenbloom and Gloria Dickson. Noel Smith, director.

At M-G-M, "Dancing Co-Ed" with Lana Turner, Richard Carlson, Lee Bowman, Artie Shaw and his band. Edgar Selwyn, producer; S. Sylvan Simon, director.

For United Artists' release, Charles Chaplin's "The Great Dictator," starring Chaplin, with Paulette Goddard and Henry Daniell in the cast. Chaplin wrote the story and is also producing and directing it. Selznick International, "Rebecca," novel by Daphne Du Maurier, with Laurence Olivier and Judith Anderson. Alfred Hitchcock, director.

At Republic, "Calling All Marines" with Armand Schaefer producer and John Auer, director.

At Monogram, "Oklahoma Terror," a Jack Randall Western with Lindsey Parsons, producer, and Spencer Bennet, director.

Hearst's Journal-American Sold to Syracuse Herald

Syracuse, N. Y.—Hearst-controlled Journal (evening) and American (Sunday) have been acquired by the Herald (evening and Sunday), the two former papers suspending. Herald company is headed by Mary E. Jenkins, with E. A. O'Hara as publisher. Louis D. Burrill was Hearst publisher. Journal-American's film critic was Franklin H. Chase, dean of upstate reviewers.

SUMMER RE-ISSUES SHOW 50% DECLINE

(Continued from Page 1)

ruary, last, and upon which additional bookings are expected during the Summer.

Six pix can be bought for the Summer months on M-G-M's list, two from last year's lineup, "Treasure Island" and "David Copperfield," and four from prior programs, "San Francisco," "Mutiny On the Bounty," "The Champ" and "Rose Marie."

United Artists as of June 1 made available to outlets Selznick-International's "A Star Is Born"; Goldwyn's "The Hurricane"; and Korda's "Elephant Boy."

Columbia is not reissuing as an open policy this Summer since company is putting full force behind its announced program of issuing one big new picture each month on its current lineup during the balance of the 1938-39 season, but nevertheless has available for theaters a number of pictures reissued in the past. These number 14 and comprise four Capra's, "Lady For a Day," "It Happened One Night," "Broadway Bill" and "Mr. Deeds Goes To Town"; a further quartette, "Man's Castle," "She Married Her Boss," "The Whole Town's Talking" and "Twentieth Century." The westerns which may be had from Columbia, and which are reissues, are four Ken Maynards, "Law Beyond the Range," "Avenge Waters," "Fugitive Sheriff," and "Western Frontier," plus two Tim McCoys, "Fighting Shadows" and "Square Shooter."

Universal is selling "My Man Godfrey" and "Old Dark House" as a combo show, which has already been booked in several keys including Pittsburgh and Buffalo. Company's offering of the pix in tandem is because of the unusual strength of respective name-casts. Former has William Powell, Carol Lombard and Alice Brady, and latter Charles Laughton, Raymond Massey, Melvyn Douglas and Boris Karloff. No westerns are being reissued currently by "U."

Paramount, Warners and 20th-Fox have listed no reissues whatever.

Republic, while not formally embarked on a reissue platform, is stressing the value to exhibition outlets of "Call of the Yukon," the Jack London story, as an ideal Summer attraction.

Monogram, too, has not listed any seasonal reissues but is planning to make available a list of six backwesterns with John Wayne in top role.

Indie companies, exclusive of Republic but including Monogram, reissued 31 attractions last year.

Giveaways Next?

London (By Cable)—Local Methodist Church which installed a projector to show pix some time ago has now added neon lights and re-written hymns to the music of "Annie Laurie."

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THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V.L. 76, NO. 17

NEW YORK, WEDNESDAY, JULY 26, 1939

TEN CENTS

NLRB Certifications to Four Bargaining Agencies FINAL ARBITRATION SETUP WILL BE READY AUG. 9 Set Trial Date for Equity Suit at Conference Monday

Agreement by Opposing Counsel May Avoid Court Determination

Application of the D of J before Federal Judge John C. Knox for an order setting the equity suit against the majors down for trial on Nov. 1 was adjourned yesterday by consent of all parties to Tuesday, Aug. 1. Special Assistant Attorney General Paul Williams will confer on Monday with counsel for the majors with a view to agreeing upon a date for trial without the necessity of a formal application.
Delayed date for a new conference
(Continued on Page 3)

SIMULTANEOUS TRIALS FOR OKLAHOMA SUITS?

Oklahoma City—Two ring legal circus, with the pix industry in the stellar role, is regarded as well within the bounds of possibility here next Fall and Winter.
Defense applications for a bill of
(Continued on Page 6)

Hollywood-Made Spanish
Pix Face Dialect Problem

Spanish language pictures made in Hollywood are not as popular as would be expected in South American countries because of the differences in dialect, according to John
(Continued on Page 7)

500 for Fleischer
Miami, Fla.—Dade County spinach is doing something to Mr. Popeye, from present indications. The Fleischer Studios, where Popeye pops, has added 30 more artists, bringing the total up to 500 employees now on the payroll. In order to accommodate the latest group, a nearby store has been leased. Additionally the studios have overflowed into three adjacent bungalows. All studio emphasis at the present is being centered on "Gulliver's Travels," which is scheduled for a premiere on Christmas day.

Editorial

Renaissance of Showmanship ... and exhib. reaction to "Beau Geste"

By CHESTER B. BAHN

AT INTERVALS, this columnar observer is moved to publicly view with satisfaction signs of a substantial renaissance of showmanship in film biz. On this Wednesday morning, here's another.
Paramount recently instituted a series of trade previews of its lead-off pix for next season, "Beau Geste," which, by the way, looms as a box-office honey, no less. Nothing new in trade previews, of course, but there is, it appears, in the exhibitor response to the company's invitations to have a look-see.
Whereas in certain territories in the past there has been marked exhibitor apathy
(Continued on Page 8)

22 SUMMER CLOSINGS IN CHICAGO SECTOR

Chicago—To date 22 theaters have been closed in the Chicago territory, more than twice as many as were closed at this time a year ago. Closings have affected both circuits
(Continued on Page 8)

Managers' Profit Sharing Plan Is Continued by FPC

Niagara Falls, Ont.—N. L. Nathanson, president of Famous Players Canadian Corp., told managers from all parts of Canada, assembled for the national conference, that the
(Continued on Page 6)

NEW RKO CORP. FILES INCORPORAT'N PAPERS

Articles of incorporation of the new RKO Corp. were filed on Monday in Wilmington, Del., it was reported in New York yesterday.
Board of the old company, now
(Continued on Page 7)

Spanish Currency Freezing Program Opposed by Majors

Washington Bureau of THE FILM DAILY
Washington—Concern was expressed here yesterday in official circles that the major American film companies will refuse to do business in Spain unless the unofficially re-
(Continued on Page 6)

Certification Orders Apply to Coast Branches of Eleven Major Producers

"Stanley and Livingstone" Set for Pre-Releases

World premiere of 20th-Fox's "Stanley and Livingstone," takes place Aug. 4, at the Roxy theater and will be followed by special pre-release engagements in keys through-
(Continued on Page 6)

By MILTON F. LUNCH
Washington Bureau of THE FILM DAILY

Washington—In four decisions of importance to the pix industry, the NLRB yesterday issued certification orders in the following cases:
(1) Certified Screen Publicists Guild as the sole collective bargaining agency in publicity departments
(Continued on Page 6)

Draft to be Submitted to Southeastern Exhib. Ass'n Convention

The further re-vamped Trade Practice Code, including revisions of the arbitration provisions, will be ready by Aug. 9 when the complete draft will be submitted to the Southeastern Exhibitors Association meeting in Atlanta. This assurance was given by W. F. Rodgers, spokesman for the distributors, to Ed. Kuykendall, MPTOA president, in a conference yesterday.

At the same time, Rodgers said he would be ready to announce where the first arbitration boards would start functioning and would give a definite outline as to how the membership of these boards would be selected.

Following yesterday's conference,
(Continued on Page 3)

NE BACKS ALLIED STEP; PRESS NEELY PASSAGE

Boston—Unanimous rejection of the trade practice code was the verdict of a meeting of New England
(Continued on Page 8)

Louisiana Bicycling Charge Being Investigated by CPB

New Orleans—Bicycling charges against a Louisiana exhib. are under investigation by the Copyright
(Continued on Page 7)

Goldwyn Pix Debuts
First of the new season's pix to draw a swank Broadway premiere, Samuel Goldwyn's "They Shall Have Music," starring Jascha Heifetz, bowed in at the Rivoli last night as a benefit for the Greenwich House Music School and the High School of Music and Art. Film, which starts its regular run today, was reviewed in THE FILM DAILY July 14, being appraised as a "grand human story" . . . "cleverly geared to strike a wide audience appeal." The first-nighters obviously agreed. For premiere sidelights, see Along the Rialto, Page 3.

THE Film DAILY

ALL THE NEWS
OF THE FILM INDUSTRY

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	13 1/2	13 1/2	13 1/2	— 1/8
Col. Picts. vtc. (2 1/2%)	10 3/8	10 3/8	10 3/8	+ 5/8
Col. Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11 1/4	11	11 1/4	+ 1/8
East. Kodak	170	169 1/4	169 1/4	— 1/4
do pfd.				
Gen. Th. Eq.	11 1/2	11 1/2	11 1/2	
Loew's, Inc.	47 1/4	46	46	+ 1/4
do pfd.				
Paramount	10 3/8	10	10	
Paramount 1st pfd.	96 1/2	96 1/2	96 1/2	+ 3/8
Paramount 2nd pfd.	11 1/4	10 7/8	11 1/4	+ 1/2
Pathe Film	12	11 1/8	11 3/8	
RKO	2 1/8	2	2	— 1/8
20th Cent.-Fox	21	20 3/8	20 5/8	
20th Cent.-Fox pfd.	30	30	30	— 1/2
Univ. Pict. pfd.	66	66	66	+ 1/2
Warner Bros.	5 3/4	5 3/8	5 1/2	
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s 46	100	100	
Loew's deb. 3 1/2s 46	103 1/2	103	+ 1/2
Par. B'way 3s 55			
Par. Picts. 6s 55			
Par. Picts. cv. 3 1/4s 47	90 3/8	90 1/4	90 1/4
RKO 6s 41	75	75	75
Warner Bros. cv. 6s 39			
Warner Bros. dbs. 6s 48	90 1/2	90	90

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.	1 1/2	1 1/2	1 1/2
Technicolor	16 3/8	16 1/8	16 1/2 + 1/2
Trans-Lux			
Universal Corp. vtc.			
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

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FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twenty-third installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment—No. 23

(3) **Notification of Arbitrators:** If any party requests a Special Arbitration Board, the Secretary shall immediately notify the arbitrators who have been designated.

Failure to Designate Arbitrator: If any party shall not designate an arbitrator when he is required to do so, the Chairman of the Permanent Arbitration Board shall designate an arbitrator for such party from one of the panels of arbitrators.

Notice to Permanent Arbitration Board: If no party requests a Special Arbitration Board, the Secretary shall promptly notify the Chairman of the Permanent Arbitration Board presiding at the time the complaint is filed. The Permanent Arbitration Board as constituted at such time of filing, shall hear and determine the dispute.

(4) **Disqualification of Arbitrator:** No arbitrator shall act in any dispute in which he has, directly or indirectly a personal or financial interest, unless such disqualification has been waived by all parties.

Clearance Disputes: In a clearance dispute submitted to a Special Arbitration Board, the arbitrator designated by the distributors shall not be disqualified because of his personal or financial interest in any distributor unless that distributor is affiliated with an exhibitor which is a party to the dispute.

(Twenty-fourth installment will appear in an early issue.)

French Gaumont Circuit Takes "Four Feathers"

As a result of a deal made by Georges Rouvier, managing director of UA in France, with the Societe Nouvelle des Etablissements Gaumont, this circuit will play Korda's "Four Feathers" in all its 80 houses—first time an American or British film has ever received a complete Gaumont circuit booking, it was disclosed yesterday by Arthur W. Kelly.

Contract includes both the dubbed version, which will play the first-run Rex Theater, and the original English version, which will open for a run either before or after exclusive second-run at the Gaumont Palace.

This is the first time Gaumont has ever agreed to play a picture day and date with other houses, particularly in the provinces, according to Kelly.

Col. Cole and N. Y. Allied Directors Confer on Code

Col. H. A. Cole, national Allied president, met yesterday with N. Y. Allied's board of directors. Discussions were said to have centered on the Code and the divergent views expressed by N. Y. Allied leaders with those of the national organization.

Max A. Cohen, president of the local unit, said last night that the meeting was without incident but there were other indications that the session was a stormy one. Cole returns to Texas today by boat.

TMAT Hearing Continued

Hearing on a petition for recognition filed by the motion picture division of TMAT against Rugoff & Becker, local circuit operator, will be continued this morning at 10 o'clock before the state labor board.

Yesterday afternoon's session was devoted to presentations of contentions by both sides.

Before Trial Examination Requested in Title Action

Application to examine officers of Warner Bros. Pictures, Inc., and the Vitaphone Corp. before trial was filed yesterday in New York Supreme Court by Leo Martin and Eleanore Ninor. The application, which will be heard today, is in reference to a suit for an injunction and an accounting which claimed that the defendants appropriated the title "See See Senorita" for a motion picture. Plaintiffs claim ownership and use of the title in a vaudeville sketch.

Film Archives Federation Opens International Meet

First annual Congress of the International Federation of Film Archives began sessions yesterday at the Museum of Modern Art, 11 West 53d St. Some 14 countries were represented by delegates and observers. Latter are from Argentina, Brazil, Chile, Denmark, Italy, Peru, Sweden, Switzerland and the U.S.S.R.

Nations represented with original charter members are U. S., England, France and Germany.

Conclave will continue for several days.

DuPont Film Net Up

Net profit for the DuPont Film Manufacturing Corp. for the quarter ended June 30, 1939, was reported yesterday to be \$430,661 as against \$309,726 for the corresponding period in 1938. Net for the first six months of 1939 is \$826,413 as against \$638,963 for the first half of 1938.

"Three Waltzes" in Frisco

San Francisco—"Three Waltzes," distributed by Vedis, opens at the Clay Theater Saturday.

COMING AND GOING

J. CHEEVER COWDIN, chairman of the Universal board, MRS. COWDIN, JOHN LODER, English actor, and his wife, MICHELLE CHEIREL, J. F. ROYAL, vice-president of NBC, and SERGEI KOUSSEVITZKY, arrive today on the Champlain from England.

SAM GOLDWYN is at the Waldorf.

EDDIE BUZZELL, Metro director, sailed for Europe yesterday on the Nieuw Amsterdam.

LEO ABRAMS, Universal short subjects manager, left yesterday for a trip to Boston and New Haven.

JOSEPH BURSTYN, associated with Arthur Mayer in the importation and distribution of foreign films, arrives from Europe today on the Champlain after an eight week stay in Europe.

MIRIAM HOPKINS is here from the Coast for a month's stay.

HOMER HARMON, publicity chieftain of the Roxy, is visiting in St. Louis.

HERBERT J. YATES and GENE AUTRY sail today on the Manhattan for Europe.

MAURICE SLOMAN, Hoyt Theaters executive, returns to Sydney next month on the Mariposa, leaving New York next week-end for the Coast, via Canada.

DEL GOODMAN, far eastern manager for 20th-Fox, arrives here today.

A. SCHNEIDER, treasurer of Columbia Pictures, has returned to the home office following a brief visit to the Coast.

FRANK PHELPS, Warner theater department exec., flew to the Coast yesterday from New York for a short stay on business.

HUGH HUBER, secretary-treasurer of Hal Roach Studios, is in New York for 10 days, combining business with a brief vacation.

WALTER GOULD, division manager for United Artists in Latin America, leaves Sunday via Pan-American Airways for Rio de Janeiro.

HARRY BLAIR leaves tonight for the Coast.

COL. H. A. COLE, Allied president, leaves today by boat for Galveston.

ED KUYKENDALL, MPTOA president, left yesterday for his home in Columbus, Miss.

JOHN DAY, Paramount's manager for South America, is in New York for a two-week stay.

VICTOR FRANZEN, French actor who has the starring role in "Double Crime in the Maginot Line," French film being distributed here by Tower Pictures, is staying at the Warwick. He leaves for the Coast in a few days to confer with several major studios.

LEWIS BUDDY, JR., Paramount exec., arrives Friday on the Conte di Savoia.

SIDNEY R. FLEISCHER, attorney for the Dramatists Guild, returns to New York next week.

TOM BARROWS, publicist for William A. Brady, sailed yesterday on the Nieuw Amsterdam for England.

GEORGE CASEY, Universal Australian executive is in Chicago.

South Sea Pix to Astor

R. M. Savini, president of Astor Pictures, has closed a deal to distribute nationally, "Vengeance of the Deep," a South Sea dramatic picture featuring Lloyd Hughes which is now in the final stages of shooting on Thursday Island, in the Southern Pacific. Release date has been set for Oct. 15.

Mr. Busy Executive!

Are you looking for a trustworthy and capable assistant (whose experience is more than well versed in picture production, theatrical and radio fields)? Salary secondary. Will you grant me an interview? I will prove my worth to you. The Film Daily, Box 1205, 1501 Broadway, New York.

EQUITY TRIAL DATE TO BE SET MONDAY

(Continued from Page 1)

was caused by the presence of attorneys for the majors this week in Philadelphia, required by proceeding in an anti-trust suit brought by Eugene Mori against the majors and others.

Hearing on Plea of Mori Continues in Philly Today

Philadelphia—Hearing on the plea for injunctive relief in the case brought by Eugene Mori, Landis Theater, Vineland, N. J., and others against Stanley-Warner and the major distributors began yesterday. Sessions must end by Friday as Judge Kirkpatrick indicated he would not sit after that time.

First witness was RKO branch head, Frank McNamee, on the stand for three and one-half hours. He was cross-examined on clearance, selective buying of Stanley-Warner and other trade matters in connection with the S-W Globe and Grand, Vineland, and their relationship to the independent Landis.

After him, Zone Manager A. J. Vanni for out-of-town Warner houses in this area, took the stand, and was followed by Edgar Moss, 20th Century-Fox district chief, who was still on when the day ended. Case is being continued this morning.

Attorney Harry Shapiro, for the plaintiff, is seeking injunctive relief in the form of an injunction restraining the defendant from entering into 1939-40 contracts. He was also apparently trying to prove the monopoly and conspiracy features of his case. Attorneys for the defendants are Morris Wolf, for Vitagraph, and William A. Schnader for the other defendants, with home official legal representatives from the various companies also on hand.

Safier Succeeds Gregory

Denver—Following the resignation of Glen Gregory, Ed Safier has been named as manager of the Grand National exchange here. He is the brother of Morris Safier, western sales manager for Grand National. Frank Foley, booker at the exchange, has left for Kansas City, where he will work for Monogram.



Best wishes from THE FILM DAILY
to the following on their birthdays:

JULY 26

Charles Butterworth
C. L. Yearsley
Nat Levine
Emil Jannings

ALONG THE



WITH PHIL M. DALY

● ● ● QUITE a social function.....the gala premiere of Samuel Goldwyn's "They Shall Have Music".....at the Rivoli last nite..... given for the benefit of the Greenwich House Music School and the High School of Music and Art.....

● ● ● WHAT gave the premiere added distinction was the fact that the First Lady was there.....and Mrs. Roosevelt was photographed with the producer before the screening.....Goldwyn also had his photo taken with the 50 members of the WPA youngsters' orchestra.....

● ● ● SOCIETY was adequately represented by Mr. and Mrs. William Paley, Mr. and Mrs. Herbert Bayard Swope, Mr. and Mrs. William Harriman, Mr. and Mrs. William Rhinelandier Stewart, and Mr. and Mrs. Henry Root Stern.....

● ● ● AMONG the trade names were seen.....Walter Reade, Leonard Schlesinger, Joseph Schenck, Jack Alicoate, John O'Connor, Fred Myers, George Skouras, William White, John Bemas, Leon Netter, Harry Brandt, William Brandt, Max Cohen, Fred Schwartz, Clarence Eiseman, Frank Rogers.....Goldwyn's personal party included the Averill Harrimans, Lillian Hellman, William Paley and Max Steuer, the Irving Berlins and the Herbert Bayard Swoopes.....because of the fact that Jascha Heifetz plays such a dominant role in the film and charms with four selections from his repertoire, there was a large proportion of prominent musical celebrities in attendance.....giving the audience a tone that is very seldom seen at picture openings.....Mayor LaGuardia, Mrs. Vincent Astor and License Commissioner Paul Moss were on the committee sponsoring the benefit performance.....

● ● ● A COCKTAIL party to the famous Dr. Allan Roy Daice.....the medico in charge of the Dionne Quins.....and by way of celebrating the latest picture of the five fortunate femmes depicting their fifth birthday, "Five Times Five" which opens at the Music Hall..... Frank Donovan of Pathe gave the party at the home office.....the picture was shown, and it rates about the best of the series.....the women will go nuts over these little darlings.....a characteristic narration is given by that ubiquitous Town Crier, Alexander Woolcott.....

● ● ● ALL the news syndicates and photo and mat services covered the program for Gene Autry Day at the World's Fair last Saturday.....started at 2 in the afternoon.....a parade through the grounds had Autry leading the Rodeo Troupe on one of Ruth Mix's horses.....the Rodeo was sold out for the first time since the opening of the Fair.....Gene was crowned King Cowboy.....David B. Whalen, Republic's exploitation manager, staged the Gene Autry Day.....garnering Republic's biggest newspaper break throughout the country in months.....

● ● ● EXTENSIVE billposting is being done by Charles McCarthy, ad chief of 20th Century-Fox, as advance ballyhoo on "Stanley and Livingstone".....150 stands have been used, with a big quantity of three's and one-sheets.....the DeAngelis Billposting outfit handled the metropolitan job.....the picture opens Aug. 4 at the Roxy.....Apropos of the appointment of UP's Fred Storm as Sam Goldwyn's publicity chief on the West Coast.....this collyum is reminded that two of F. D. R.'s secretaries have film biz backgrounds.....Col. Marvin H. McIntyre was once p. a. for RKO Keith's.....and Steve Early served with Paramount.

« « « » » »

ARBITRATION SETUP TO BE READY AUG. 9

(Continued from Page 1)

Kuykendall stated that the revised code would be more acceptable than previous drafts but that it still would not contain some of the issues which MPTOA insists should be included. However, he said he believed the new draft was a progressive step and that it contained many points which are for the good of the industry as a whole.

"The arbitration clauses," Kuykendall said, "have been improved upon as compared to the last one printed. Several of the 'bugs' have been taken out of it. It is better phrased and therefore more easily understood by the average layman."

Kuykendall said he was of the opinion that 90 per cent of the theater owners of this country would accept the revised code for what it does contain and the advantages it will bring to theater owners, not as a final objective, but as a beginning of a "happier relationship between exhibition and distribution, because it is hard to believe that any theater owner, regardless of affiliations would reject something that he needs so badly."

Warners Still Sell Away In Milwaukee Territory

Minneapolis—While negotiations between Warners and National Theaters to iron out the recent break were said here this week to be under way, the Warner Milwaukee exchange is continuing to sell away from the Wisconsin Theaters circuit, subsidiary of Fox West Coast.

Henry Herbel, district manager for Warners, stated here that the company will protect all indies who have bought the 1939-40 product lineup. Business in the Milwaukee exchange was reported by Herbel to have increased about 12 per cent over the same period last year, at which time they were still selling to the NT subsidiary in this territory. It was said that practically every competitive situation in this territory has been closed by Warners.

Loew's Books Color Short

"Battling Bettas," color short released by World Pictures has been booked by Loew's for key city theaters throughout the country.

STORKS!

Detroit—Howard Beck, M-G-M salesman, is the father of a seven-pound boy.

Detroit—Robert Thompson, of M-G-M office, and son of Dow Thompson, manager of the Varsity Theater, is the father of a baby daughter. Mother was formerly Dolly Stuetzer, of the Macomb Theater, Mt. Clemens.

FIRST TIME IN THE H

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and ALL EXHIBITORS
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"DEAD MEN TELL NO TALES"

starring
EMLYN WILLIAMS — Sara Seegar — Hugh Williams
From the Francis Beeding novel, "THE NORWICH VICTIMS"

"HOUSEMASTER"

with
OTTO KRUGER — Phillips Holmes — Diana Churchill
From the play known on Broadway as "BACHELOR BORN" by Ian Hay

"THE TERROR"

with
WILFRID LAWSON — Bernard Lee — Arthur Wontner
From the EDGAR WALLACE Thriller

"LUCK OF THE NAVY"

with
GEOFFREY TOONE — Clifford Evans — Judy Kelly
From the play by MRS. CLIFFORD MILLS

"ONE NIGHT IN PARIS"

with
JOHN LODGE — Hugh Williams — Joan Marion
— Judy Kelly —

"THE HIDDEN MENACE"

co-starring
OTTO KRUGER — GERTRUDE MICHAEL
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"JUST LIKE A WOMAN"

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GERTRUDE MICHAEL — John Lodge — David Burns
From the Story by PAUL HERVEY FOX

"SPIES OF THE AIR"

with

BARRY K. BARNES — Roger Livesey — Basil Radford
From the play by JEFFREY DOLL

"BLACK EYES"

starring

OTTO KRUGER — Mary Maguire — Walter Rilla
Directed by HERBERT BRENON

"MYSTERY OF ROOM 13"

with

GIBB McLAUGHLIN — Sara Seegar — Peter Murray Hill
From the famous story by EDGAR WALLACE

"LITTLE MISS MOLLY"

starring

BINKIE STUART — Maureen O'Hara — Phillip Reed
— Tom Burke —

oup of Selected Novelties and Featurettes



FILMS CORP.

BUDD ROGERS
VICE PRESIDENT and GENERAL MANAGER

NLRB CERTIFIES FOUR BARGAINING AGENCIES

(Continued from Page 1)

of RKO, Columbia, Universal, Loew's, 20th Century-Fox, Paramount, Warners, Hal Roach and Samuel Goldwyn.

(2) Certified the Society of Motion Picture Art Directors at Columbia, RKO, 20th Century-Fox, Loew's and Paramount.

(3) Certified the Society of Motion Picture Artists and Illustrators at Columbia, RKO, Universal and Loew's.

(4) Certified the Federation of Screen Cartoonists and the Society of Motion Picture Film Editors for employees of Walt Disney Productions, Ltd.

All of the certification of orders apply to the Hollywood studios of the companies named.

Under the first order the Publicists Guild had a majority of employees engaged in the publicity departments of the companies, the NLRB said. Included in the certification are unit men, feature writers, planters, contact men, art editors, copy editors, trailer men and advertising men in the publicity departments, and also employees in the advertising departments who are engaged in advertising work in Los Angeles county, but excluding directors and assistant directors in the publicity departments. Board action in this case was based upon comparison of Guild membership

How'd You Like to Be a St. Louis Exhib.?

St. Louis—Yeah, there's a reason or two why the exhib. hereabouts doesn't exactly rest on a bed of roses this Summer. For instance:

Three outdoor theaters, one atop a seven-story warehouse.

Three midget auto racing plants.

Night games at three ball parks.

Seven softball parks charging admission.

Boxing under the stars.

Not to mention swimming pools, beer gardens, golf driving tees, archery ranges, miniature golf courses (which survive here), night clubs, free shows at local radio stations, cabin colonies, excursion steamers and the world-famed St. Louis Zoo.

petitions against company lists as of Oct. 15, 1938. At the same time, the Board dismissed representation petition filed by the Guild on behalf of employees of Selznick International and Principal Prod.

Under the Motion Picture Art Directors certification are included chief art directors, unit art directors, and follow-up men. At the same time the board announced secret ballot elections will be held within 20 days among the art directors of Universal, Warners, and United Artists to determine whether or not they desire to be represented by the Society of Motion Picture Art Directors. Polls were scheduled at these companies since evidence of membership offered by the society did not establish that it represents a majority, the board said.

The artists and illustrators certification includes costume illustrators, matte shot artists, assistants to matte shot artists, title artists, and heads of title departments. Board also ordered, because of insufficient majority membership evidence, elections within 20 days at Warners, and 20th Century-Fox. Petition filed by the society on be-

half of employees of Paramount was dismissed.

In the cartoonist order affecting Walt Disney employees the Board said the action was based upon a study of union membership cards and company payrolls. The comparison showed that the Society had been designated as bargaining representative by all 15 of the cartoon editors, assistant director and film librarians, NLRB said.

The cartoonist federation was certified on the basis of uncontroverted evidence that it represented 568 out of 602 employees engaged in production, exclusive of supervisory employees, the NLRB said.

"Stanley and Livingstone" Set for Pre-Releases

(Continued from Page 1)

cut the country. First two of the latter are scheduled for Aug. 10 at the Palace, Washington, and at the Keith's Memorial theater, Boston. These will be followed on Aug. 11 with showings at the Albee, Cincinnati; Chicago, Chicago; Circle, Indianapolis and Hippodrome, Cleveland. Other pre-release dates will include Los Angeles and San Francisco as well as other key centers to be announced later.

Special advertising and exploitation campaign worked out by Charles E. McCarthy, ad-publicity director, for the advance showings of "Stanley and Livingstone" is claimed to set a new company record for newspaper-billboard advertising. More than 2,000 billboards will be used in addition to the increased advertising space in newspapers. Supplementing the local campaigns will be ads in national mags and six pictorial bulletins, 20 by 30 inches in size, to be placed in 1,400 public libraries throughout the country.

Managers' Profit Sharing Plan Is Continued by FPC

(Continued from Page 1)

managers' profit sharing plan now in its fifth year will be continued.

An extra bonus contest, for the months of September to November, with \$5,000 to be shared among managers showing the biggest increase in profit, was also announced yesterday as the convention swung into the second day of regional meetings.

Charles L. Querrie, Toronto, one of the most colorful figures in the theater and sport world, celebrated his sixtieth birthday yesterday, and he was presented with a watch by his colleagues. Nathanson and Morris Stein made the presentation.

SIMULTANEOUS TRIAL FOR OKLAHOMA SUITS

(Continued from Page 1)

particulars in the D of J's action against the Griffith interests and the majors will come up in Federal Court here tomorrow, and observers believe that the Government and the defendants are aiming for an Autumn trial.

The long delayed A. B. Momand \$4,500,000 suits against practically the same defendants are also expected to secure an early spot on the Fall and Winter trial docket in Federal District Court here.

Federal Judge A. P. Murrah has the Momand case while his colleague Judge Edgar S. Vaughn has the Department of Justice case. If developments continue at their expected paces it is probable that the two cases will be on trial at approximately the same time.

Momand's suit seeks damages based on the Sherman anti-trust Act; the Department of Justice asks for an injunction and dissolution of the Griffith companies.

Spanish Currency Freezing Program Opposed by Major

(Continued from Page 1)

ported films law promulgated by the Franco government is altered in some respects. Despite the fact that most companies are proceeding with their plans to reopen offices in Spain and visas have been granted by the Spanish government for new film shipping is said at a standstill.

It was reported here that major companies generally are willing to resume operations in Spain on their former scale if they are allowed to take enough money out of the country to cover all necessary operating expenses incurred by shipping, negative costs, dubbing and other items. But it is believed that if the Spanish government adheres to its reportedly rigid currency freezing program, operations could only be conducted at a loss and the companies would not make the attempt.

A broad view of the Spanish question is taken by the majors in the fact that they recognize the acute need of the Spanish government's currency needs and the necessity of stimulating home production through quota restrictions. But at the same time, although they are willing to go along at present without profit in most cases in the hope of better returns when the country gets back on its feet, they point out operations cannot be conducted indefinitely at a loss.

"Aryanization"

Prague (By Cable)—What is viewed as a retaliatory measure for frequent anti-Nazi demonstrations in film theaters here is reported establishment of a Nazi-inspired office to conduct "Aryanization" of entire film industry in the protectorate of Bohemia and Moravia.

What were they doing

YESTERDAY

What are they doing

TODAY

What will they be doing

TOMORROW

BIKING CHARGE
UNDER INVESTIGATION

(Continued from Page 1)
Protection Bureau. Exhib., who is alleged to have bicycled pix between the theater and a tent show in an adjoining town, is reported to have dropped out of sight.
Four major companies and one independent have stated that they have evidence to indicate the exhib. bicycled their product.
His disappearance is said to have left the house without an operator and the owners are reported ready to take over the theater.

The Copyright Protection Bureau in New York said yesterday that the exhib. under suspicion had been investigated for operations in five Louisiana towns, Walker, Albany, Reserve, Norco and Garyville.

Hollywood-Made Spanish
Pix Face Dialect Problem

(Continued from Page 1)
Day, Paramount's manager in South America, who is in New York for a three-week visit. This is also true of pictures made in Mexico, Day said.
Despite the fact that Spanish is spoken in all countries except Brazil, the appeal of a Spanish language picture is lost unless made in the dialect of the country in which it is shown, he explained.
Day confirmed previously printed reports to the effect that the possibilities of the South American market have been over-rated. Competition by Argentinian pictures is increasing rapidly, he said, especially in the interior and in the "B" class houses. Even though such product is greatly inferior to American pictures, they have a tremendous following, he said.
However, Paramount's business as shown an upward trend during the last year, Day stated, pointing out that billings so far this year were at least 35 per cent ahead of the corresponding period of 1938.
French pictures, he added, are gaining in popularity and are making money all through South America.

Col. Sending del Rivero
to Fill Post In Spain

A. Suarez del Rivero, director of Spanish publicity for Columbia Pictures, sails from New York on Saturday aboard the Champlain for London where he will confer with F. A. McConville, company's foreign manager, relative to his new assignment in Spain.
John Agell, who until recently held similar position with Universal, replaces Rivero immediately after latter's departure. Under the new name, "Cinefilo," Agell is widely known to Spanish-speaking public.

REVIEWS OF NEW FILMS

"Indianapolis
Speedway"

with Pat O'Brien, Ann Sheridan, John Payne
Warners 85 Mins.
GOOD SPEED STUFF PACKS THRILLS
BUT STORY IS LOOSELY HANDLED.
This is essentially a stencil make-over of the same company's "The Crowd Roars" with few new twists supplied by scripters or director. Pat O'Brien, as the speed-mad racing driver, gives a typical and entertaining Pat O'Brien performance. So do Ann Sheridan, Gale Page, John Payne and Frank McHugh. The latter is the only one who appeared in the original version, and he plays his part of the relief driver for O'Brien. O'Brien's kid brother, Payne, insists on being a racing driver instead of going to college as his elder brother had planned. He also insists on falling in love with Ann Sheridan, whom O'Brien looks upon as a gold digger and not much good for a nice young brother. Gale Page is O'Brien's girl. And so into the big racing sequences, with brother against brother, and the youngster climbs to fame and the older man sinks into oblivion. Then the big thrill scene as the youngster is disabled when leading the Indianapolis classic, and O'Brien the down-and-out driver, comes from the stands to hop in the car, and drive it to victory. But first he has to overcome his yellow streak that drove him down, as the result of seeing his buddy McHugh die in a flaming car. The story values are loosely written, which makes the affairs of the brothers with their women unconvincing. But the speed stuff is good, and carries all the thrills the fans can reasonably ask for. Selling angles: speed-mad racers; brother against brother; the glamour girl, Ann Sheridan.
CAST: Ann Sheridan, Pat O'Brien, John Payne, Gale Page, Frank McHugh, Grace Stafford, Granville Bates, John Ridgeley, Regis Toomey, John Harron, William Davidson, Ed McWade.
CREDITS: Director, Lloyd Bacon; Screenplay, Sig Herzog, Wally Klein, based on story by Howard Hawks; Cameraman, Sid Hickox; Editor, William Holmes.
DIRECTION, Fair. PHOTOGRAPHY, Good.

Cleveland Press Boosts
Pix, Drops Vaude Ad Rate

Cleveland—The Press, one of Cleveland's two evening newspapers, raised rates on all motion picture theater copy and at the same time has cut rates on vaudeville copy.
The rate boost to downtown motion picture theaters is approximately 25 per cent from the old rate of 28 cents per line to 35 cents per line. Theaters playing a combination program of picture and vaudeville have been paying the 28-cent rate for motion picture copy and 47 cents for vaudeville copy. For houses in this classification, The Press is substituting a flat vaude film rate of 42½ cents per line.
The classified theater directory has been getting 27½ per line with a three-inch minimum. It is now proposed to charge 30 cents per line with a one-inch minimum.

"This Man Is News"

with Barry K. Barnes, Valerie Hobson
Paramount 63 Mins.
CLEVER MURDER MYSTERY DIRECTED
WITH LIGHT TOUCH AND WELL ACTED.
A very entertaining and lively murder mystery done with a touch of banter and a most engaging style that again proves the British studios are masters of this type of yarn. Barry K. Barnes is a personable youth in the role of a London reporter, fired by his editor when the murder of a king's witness doesn't come off as he predicted. He goes home and he and the little wife have a champagne souse in celebration of being canned. He calls up the editor and tells him the murder has happened and the editor hears what he thinks is a shot as the cork pops. Then the murder does occur, just about the way the spoofing reporter told it. Thus he becomes the news of the day, and for several days thereafter, as the police inspector keeps on his trail convinced that he is withholding evidence, and the murderers try various ways of disposing of the man they think is an eye-witness to their crime. It all adds up to lively entertainment, fast action and grand suspense and thrills for anybody's money. Alastair Sim is vastly amusing as the befuddled editor; Valerie Hobson is a most charming wife of the reporter, and she helps and hinders him in his sleuthing by turns. This chap Barry Barnes has a lot on the ball, and a very engaging personality that the femmes will go for. Selling angles: Sprightly murder mystery with unusual plot of men predicting murder before it happens.
CAST: Barry K. Barnes, Valerie Hobson, Alastair Sim, John Warwick, Philip Leaver, James Birrie, David Keir, Tom Gill, Edward Lexy, Garry Marsh, Kenneth Buckley.
CREDITS: Director, David MacDonald; Authors, Roger MacDougal, Allen MacKinnon; Screenplay, Same; Cameraman, Henry Harris; Editor, Reginald Beck.
DIRECTION, Very Good. PHOTOGRAPHY, Good.

Correction
In a story published in THE FILM DAILY of July 25, mention was made that the film "Carnival In Flanders," acquired by RCA-NBC for televising, is an American Tobis feature. Attraction is distributed by Tri-National Films, acting as agents for Filmsonor, France.

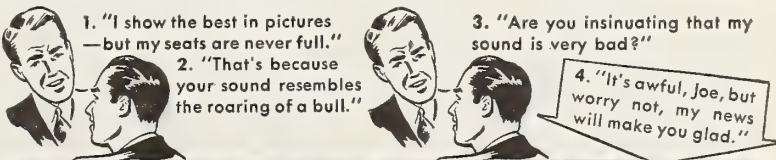
NEW RKO CORP. FILES
INCORPORAT'N PAPERS

(Continued from Page 1)
embracing four members, is scheduled to meet today to fill the vacancies by electing the directors approved to serve the new corporation by Judge William Bondy.
When the new corporation takes over, the board will comprise Richard C. Patterson, Jr., chairman; Raymond Bill, Ned E. Depinet, Thomas P. Durell, Frederick L. Ehrman, L. Lawrence Green, Gen. James G. Harbord, Conde Nast, John E. Parsons, N. Peter Rathvon, George J. Schaefer, W. G. Van Schmus and Lunsford P. Yandell.

20th Cent.-Fox Sets Shorts
For Season's First Quarter

The first of a series of four Father Hubbard Alaskan Adventures, "Birthplace of Icebergs," heads the Twentieth Century-Fox short subjects release schedule for the first quarter of the new season. "Birthplace of Icebergs" will be released Aug. 4 and on the schedule for the first month of the new season also will be two Terrytoons, "Two-Headed Giant," in Technicolor, and "The Golden West," and an Adventures of a News Cameraman subject, titled "Conquering the Colorado."
For September, Vyvyan Donner's first Fashion Forecast, in Technicolor, Ed Thorgersen's Sports Review, "Big Game Fishing," Lew Lehr's "Monkeys Is The Craziest People" and two Terrytoons, "Sheep in the Meadow" and "Hook, Line and Sink-er" make up the list. The four releases for October include: "The Orphan Duck," a Technicolor Terrytoon, "The Evergreen Empire," a Lowell Thomas Magic Carpet subject, "Filming the Fleet," another of the News Cameraman series, and an untitled Terrytoon.

"Nazi Spy" In Singapore
Singapore (By Cable)—"Confessions of a Nazi Spy" has been approved by the censor board of Singapore.



For real box office results give America the good sound it demands!

INSTALL New RCA PHOTOPHONE
MAGIC VOICE OF THE SCREEN

with Rotary Stabilizer plus SHOCK-PROOF DRIVE!

Better sound means better box office—and RCA tubes mean better sound

RCA Manufacturing Company, Inc.
Camden, N. J. • A Service of the Radio Corporation of America

22 SUMMER CLOSINGS IN CHICAGO SECTOR

(Continued from Page 1)

and independents. Balaban & Katz for a period, closed their United Artists theater in the Loop for the first time since the house was opened. House reopened Friday.

While the Warner circuit closed no houses, it surrendered the Lexington which was taken over by the Indiana and Illinois circuit. Closings by other circuits numerically follow: Lasker, two; Essaness, one; Goodman-Harrison, one; Schoenstadt, four; Louis Brecka, one; Stutz, one; Doukas, one; Great States, four; RKO, one, (the Palace, for the first time since the house opened).

Some of the closings were said due to shortage of suitable product; in other cases, improvements were in order.

Unions steadfastly refused wage concessions this summer.

New England Pix Houses Stay Open; Drive-Ins Gain

Boston—Vacation resort proclivities of New England are held to be the reason for the lack of increased darkening here this summer. Not only have the open theaters held their own in numbers, but the addition of several new drive-in spots has put more theaters in lights than there were a year ago.

Fewer Oklahoma Theaters Closed Doors This Summer

Oklahoma City—For the first time in many years, there have been relatively few summer closings in Oklahoma. Locally there is only one and only a scattered few over the state. No first-run houses have been closed. In some instances, houses have been cut from seven to five or three days runs.

Few Closings In Michigan Due to Summer Biz Drop

Detroit—Summer closing of theaters in this territory, negligible at the start of the summer, has taken a very slight spurt upward in the last three weeks. A few houses have closed for remodeling, both in the city and upstate, selecting the time to coincide with the usual summer slump, but closings solely to escape the slump have been very few.

The one major house closed is the

What's a Ban?

Belleville, Ill.—Noah Bloomer, head of the Bloomer Amusement Co., owner of the Ritz and Rex theaters, has walked right around a police Bank Night ban by holding the drawings for the winners outside the city limits. In addition, Bloomer switched the prize from cash to merchandise.

The Illinois Supreme Court ruled against Bank Night two years ago but this is the first real attempt to stop the arrangement in Belleville.

Renaissance of Showmanship ... and exhib. reaction to "Beau Geste"

(Continued from Page 1)

to such screenings, with attendance delegated to buyers, bookers and other management reps., "Beau Geste" is attracting the exhibitors themselves, and there's an exceedingly lively interest in selling angles, merchandising campaigns and those other factors and qualities that play so important a part in determining the size of grosses.

TAKE it from veterans who know showmanship best, there's every reason to believe that next season will see some exhibitors getting up from their easy chairs and really going to work. And if they do, say the veterans, there will be fewer squawks by far that business is lousy and a minimum of crying towels to send to the laundries.

Which brings to mind this observation from a correspondent which ties in rather neatly: "Theaters are deliberately keeping people away from lack of selling. Instead of curtailing their own incomes, they cut advertising which is not only unbusinesslike but very stupid, from the standpoint of guaranteeing their major investment."

AND while we're on the subject of advertising, there's the admirable thought just passed along to Warner theater managers by Joseph Bernhard to the effect that "Service does an advertising job, too." Expounds the WB theater chief:

"Here's how it works:

"When your cashier greets patrons with a pleasant smile . . . when you give your arm to a feeble old lady who needs help . . . or assist an elderly man with his overcoat . . . or comfort a lost child . . . and send your patrons home with a cheerful good-night . . . that's ADVERTISING.

"When you can greet your patrons by name, when the merchants respect you, the clubs honor you, and the schools trust your recommendations—that's ADVERTISING. "When a pinched pocket-book limits a patron to one movie a week—and he seeks to patronize a Warner Theater because he's sold on you and your Service—that's ADVERTISING, too.

"These Service ideas, and there are many, many more—sell tickets at the box-office; and any idea—that sells tickets, is advertising."

Worth framing, that.

United Artists, run by United Detroit Theaters as city's premier single bill house. This follows the policy of last year. Nabe closings here have been virtually nil, but a few downtown houses have closed.

A year ago, Butterfield circuit closed about 10 houses in Michigan for the summer, but official statement from the circuit to FILM DAILY disclosed no present intention of closing any houses whatever.

Three More Pix Theaters Dark In Neb-Iowa Sector

Omaha — The Nebraska-Western Iowa district has a slight increase in theater closings during the July-August "hot season" as compared with houses shuttered during the summer of 1938. A total of 15 theaters in the Omaha area have closed this year, as compared with 12 last year. Poor biz and crop conditions have been the reason in almost every case.

Curtailment of Operators, Feature In Conn. Territory

New Haven—Summer closings in the territory were featured this year by the darkening of Fishman Brothers Lyric and Winchester Theaters, New Haven, with the Apollo, New Haven reducing operation to three-a-week early in June. The Lyric has never before been closed, and no three Fishman houses have stopped continuous operation simultaneously before. The 4,000-seat State Theater, Hartford, has been cut down to Saturday and Sunday operation for the summer by Harris Brothers although it stayed open all through last year. The Jodoin, Baltic has been operating

on a 4-a-week schedule for the summer months, and Finn's, Jewett City week-ends only. The Victory, New Haven has been dark as usual for the summer. Warner's count one less dark house this summer.

Bad Weather In Gulf States Fails to Darken Theaters

New Orleans—Summer heat and rain continued to hit the Gulf States territory of Louisiana, Mississippi and parts of Alabama and Florida with a blast and swirl last week, but to date, no closings have been reported to Film Row here. However, the gravest box office threat seems to come from north Louisiana and north Mississippi, where persistent rains are threatening the cotton crops.

Lincoln Vicinity Closings This Summer Placed at 12

Lincoln, Neb.—Two less houses are operating here in the summer of 1939, than were going in 1938, bringing the downtown area lighted total to seven. Sun, a 600-seater, has been torn down and changed into a restaurant, while Liberty, 1,000 seats, is closed because of product shortage in its parent company, Nebraska Theaters, Inc., already operating three houses.

There have been a total of 12 closings in the immediate territory in the past six months, mostly in the two and three theater small towns hard put to find patronage enough for one house.

Frisco Biz Coming Back; No Pix Houses Closing

San Francisco — Major circuit execs here state that business is

NE BACKS ALLIED STEP PRESS NEELY PASSAGE

(Continued from Page 1)

independent theater owners at the Hotel Statler yesterday afternoon. The confab was called by Arthur K. Howard, Independent Exhibitors Inc., business manager, for the purpose of hearing the transcriptions of Allied convention speeches.

Close to 50 exhibitors, including non-Allied members, gathered to hear Nathan Yamins, Independent Exhibitors president, read part of the Minneapolis discourses after sound engineers had failed to achieve satisfactory results with reproductions of the discs. Frank Lydon, Eastern vice-president, also spoke. Edward Golden, scheduled to be on hand, was called out of town on business earlier in the day.

The assembly passed two other resolutions in addition to that favoring Allied's stand on non-acceptance of the code. Senators Henry Cabot Lodge and David I. Walsh were thanked for voting for the Neely bill. Howard was authorized to write to every exhibitor in the organization, recommending to each that he write to his respective congressman requesting Neely bill support. There was no discussion at the meeting of the proposed Eastern regional assembly that Lydon may call soon.

"U" Closes Schine Deal

Cleveland, O.—Dave Miller, Universal district manager, has just returned from Gloversville, N. Y., where he closed a three-year product deal for the entire Schine circuit. Miller also closed a deal for the M. E. Comerford houses in New York state.

starting to show a little improvement but is still below normal. A month ago it was reported off 25 per cent in the San Francisco-Oakland Metropolitan area, and about 10 per cent in other houses of the circuits, with the Golden Gate Exposition and general industries and agricultural conditions blamed.

Competition from the Exposition now is especially keen, and will continue so for the next three months as the management has booked a long list of screen and radio stars including Dick Powell, Jack Benny and Mary Livingston, Edgar Bergen and Charlie McCarthy, the Three Ritz Brothers, etc., and at the present time Benny Goodman and Kay Kyser's bands are packing them in.

However, there have been no closings to date, nor are any expected.

No Standee Problem

Caronscrow, La.—There won't be any standee problem in this community when Leo Mary opens his new house. Seating capacity is 500; town's population, 450.

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Intimate in Character
International in Scope
Independent in Thought

THE FILM DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 18

NEW YORK, THURSDAY, JULY 27, 1939

TEN CENTS

Chinese Dollar, Duplicated Duties Worry Majors SCHAEFER, PATTERSON NAMED TO RKO CORP. POSTS Marked Expansion of Sponsored Shows in Mich. Towns

Directed Toward Theater-less
Summer Resort Towns
in the State

By H. F. REVES
FILM DAILY Staff Correspondent
Detroit — Marked expansion of sponsored shows, particularly in smaller towns, is under way in this region, according to N. D. Reiss, manager of the Modern Talking Picture Service. Shows are being particularly directed toward theater-less summer resort towns for the next few months.
Typical setup in the metropolitan area has been run for some time by Reiss' organization, showing to all types of organization audiences. Shows have been sponsored primarily by Westinghouse, Pennzoil, and
(Continued on Page 8)

MAY COMPLETE MORI MONOP'LY CASE TODAY

Philadelphia—Hearing on an application for a preliminary injunction by Eugene Mori, Landis theater of Vineland, N. J., et al., continued yesterday with Edgar Moss, 20th Century-Fox district manager, on the stand all day. Harry Shapiro, counsel for the plaintiff, sought to prove evidence of monopoly by ref-
(Continued on Page 8)

Yates Sails to Promote Rep. Product In Britain

Revealing a co-ordinated plan for the promotion of Republic's product in the British Isles,—only one angle of which is the impending Gene
(Continued on Page 8)

Hollywood Stars Sought for Command Performance

Top-ranking American pix stars will be sought for a command performance before the King and Queen of England and Mack Hyams, whose
(Continued on Page 7)

TNEC Aide Sees Neely Bill Passing House at Next Session of Congress in December

Washington Bureau of THE FILM DAILY
Washington—Daniel Bertrand, administrative assistant at TNEC yesterday told THE FILM DAILY he believes the Neely Bill has a good chance of passing the House and becoming law at the second session of the 76th Congress. Bertrand made his statement to clear up confusion regarding his forecast on the measure.
"The opposition cannot forever impede the ordinary processes of a democratic government," Bertrand commented yesterday. "The subject has had thorough discussion and the representatives of the people should be allowed to exercise the duties of elective office. Further hearings may be deemed necessary, but paraphrasing the statement of the eminent counsel for the opposition, 'we have gone over this same story year after year'. Moreover, full hearings can be held before the House and the bill reported for vote at the next session if the public will is to be exercised."

GARMES AND WILDBERG "U" EUROPEAN GROSS TO PRODUCE IN EAST AHEAD, SAYS COWDIN

Resumption of Eastern feature production on a substantial scale in the Fall was further indicated yesterday when THE FILM DAILY confirmed two pending deals calling for establishment of units at Eastern Service Studios.
Lee Garmes, it was learned, is
(Continued on Page 5)

Giveaways at Fair May Block Games Elimination

New York World's Fair is going in for giveaways.
By mid-August at the latest, the exposition will nightly except Sunday distribute 10 merchandise gifts,
(Continued on Page 6)

Returning on the Champlain yesterday from Europe, J. Cheever Cowdin, chairman of Universal's board of directors, said that the company's gross business in Europe was running well ahead of last year, although he would not reveal any figures.
Business in general, both in Eng-
(Continued on Page 6)

20th-Fox Caribbean Biz Said Steadily Improving

Returning yesterday on the Santa Rosa from a six months' trip in the Caribbean territory, E. F. Lombardi, special representative of the
(Continued on Page 7)

U. S. Distribs., While Still Hopeful, May be Forced to Suspend in China

Goldwyn to be Examined In "Roman Scandals" Suit

Notice of examination before trial of Samuel Goldwyn on Aug. 2 was filed yesterday in the Federal Court by Mort Eisman, Clara Dellar and Robert Louis Shayon, plaintiffs in a suit for injunction, accounting and
(Continued on Page 7)

Decrease of the Chinese dollar to a new low of nine cents against the American dollar at the current rate of exchange, and the more serious difficulties in doing business in that country presented by the heavily duplicated duty charges, may force the American companies to suspend operations there in the near future,
(Continued on Page 5)

Court Authorizes Elections; Reorg. Seen Effective During the Fall

George J. Schaefer and Richard C. Patterson were elected president and chairman of the board, respectively, of RKO Corp. at a meeting of the directors yesterday. It was the first session to be conducted in several years and was held pursuant to instructions obtained from the District Court of the U. S. for the Southern District on petition by the Irving Trust
(Continued on Page 7)

N. Y. ALLIED TALKS CODE WITH MAJORS

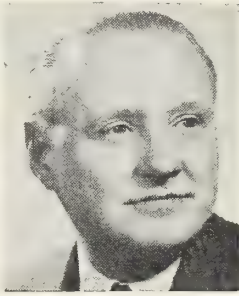
Leaders of New York Allied met yesterday with the sales heads of the major companies and discussed industry problems, the trade practice code and arbitration boards. The reported plan for a special code for New York Allied members
(Continued on Page 7)

Republic to Seek Quick Settlement with Guild

M. J. Siegel, president of Republic Productions, revealed yesterday that he has been instructed by Herbert
(Continued on Page 7)

UA Seeks Dismissal Order in Folly Theater Action

Application was filed yesterday in the Federal Court by United Artists Corp. to dismiss the suit for
(Continued on Page 7)



GEORGE J. SCHAEFER

THE **Film** DAILY ALL THE NEWS ALL THE TIME

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	29	28	29	+ 1
Col. Picts. vtc. (2 1/2%)	28	28	28	+ 1/2
Col. Picts. pfd.				
Con. Fm. Ind.	11 3/4	11 1/4	11 3/4	+ 3/8
East. Kodak	169 1/2	169	169	+ 1/4
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	46 5/8	46	46	
do pfd.				
Paramount	10 1/8	10	10	
Paramount 1st pfd.				
Paramount 2nd pfd.	11 1/8	11	11 1/8	- 1/8
Pathe Film	13	11 5/8	12 3/4	+ 1 3/8
RKO	2	2	2	
20th Cent.-Fox	21 1/4	20 1/2	20 7/8	+ 1/4
20th Cent.-Fox pfd.	30 1/4	30 1/4	30 1/4	+ 1/4
Univ. Pict. pfd.	68	68	68	+ 2
Warner Bros.	5 1/2	5 3/8	5 1/2	
do pfd.	55 1/4	55	55	- 3

NEW YORK BOND MARKET

Keith B. F. ref. 6s 46. 100	100	100	
Loew's deb. 3 1/2 46. 103 3/4	103 3/4	103 1/8	- 3/8
Par. B'way 3 5/55	50 1/8	50 1/8	50 1/2 + 1 1/8
Par. Picts. 6 5/55			
Par. Picts. cv. 3 1/4 47.	90 1/2	90 3/8	90 1/2 + 1/4
RKO 6s 41			
Warner Bros. cv. 6s 39			
Warner Bros. dbs. 6s 48	90 1/2	90 1/8	90 1/8 + 1/8

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.	1 1/2	1 1/2	1 1/2
Technicolor	16 5/8	16 3/8	16 3/8 - 1/8
Trans-Lux			
Universal Corp. vtc.	4	4	4

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.		
Fox Thea. Office Bldg. 1st '46.		
Loew's Thea. Realty 6s 1st '47.		
Met. Playhouse, Inc. 2nd deb. '45.		
Roxy Thea. Bldg. 4s 1st '57.		

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Mayer and Burstyn Get Six French Productions

Six French pictures have been acquired for distribution in the U. S. and Canada by Mayer & Burstyn, it was stated yesterday by Joe Burstyn, who arrived on the Champlain from a two-months' trip abroad. First of the new group is "Louise," starring Grace Moore.

Burstyn said that the quality of French pictures was improving because the producers were returning to the formula of making product of a typical French type instead of attempting to imitate a Hollywood style.

The pictures which he acquired, Burstyn said, were of a type that could play any American house rather than theaters using foreign policies.

Central Ticket Agency May Be Started in Fall

League of New York Theaters is moving to establish a producer-controlled central ticket agency next fall. Committee investigating the proposal embraces Marcus Heiman, Brock Pemberton and Herman Shumlin.

Associated Theater Ticket Agencies is meeting the move, which would put the ticket broker out of biz, with promises to take "necessary and proper steps."

Expects Governor's Signature

Chicago — Representative Elroy Sandquist, author of the movie limitation bill regulating time of film shows said last night he expects Governor Horner's signature on the measure before the week-end. He also suggested to the legislative council, an organization of both state senators and house members, that they appoint a committee to investigate various phases of the theater as it affects both juvenile and adult attendance.

Keough Stays in New York

Austin Keough, vice-president and chief counsel for Paramount, due to biz conferences locally, yesterday cancelled his plans to attend the convention of Famous Players Canadian Corp. now in session in Niagara Falls, Ont.

52-Producers' Final Meet

Final meeting between the producers and Local 52, studio mechanics, will be held Tuesday to discuss remaining details in terms of a new contract.

5 Weeks for "I Die"?

On the basis of the strength displayed to date, Warners home office yesterday was talking a five week run for "Each Dawn I Die" at the New York Strand.

Filmarte Reopens Sept. 11

Filmarte Theater will reopen on Sept. 11 with the French film, "The End of a Day."

FPC Convention Ended; Sports Today's Order

Niagara Falls, Ont.—First national conference of Famous Players Canadian Corp. in 12 years, officially closed last night with a dinner held in the Hotel General Brock honoring J. J. Fitzgibbon, vice-president of the organization, who has resumed his duties after an absence on account of illness, for more than five months.

Fitzgibbons was presented with a sterling silver dinner service and an illuminated address bearing the signatures of all managers at the convention. Symbolic of the company's chain of theaters from coast to coast in Canada was the totem pole from the Pacific and a model of the "Bluenose" from the Maritimes presented to President N. L. Nathanson. Don Henshaw, Toronto, radio commentator addressed the gathering.

Today the staffs of Empire-Universal, Paramount Films, and the home office staff of Famous Players, will arrive by special train to join the managers, and participate in the sports program at Queen Victoria Park during the afternoon. A banquet in the evening, addressed by Hon Mitchell F. Hepburn, Premier of Ontario, Col. George Drew, Major John Bassett of Montreal, and Barney Balaban, will bring the four-day sessions to a conclusion.

French Producers Turn Out 60 In Six Months

Paris (By Cable)—Mid-year statistical review of the French film industry reveals 60 productions have been completed, including one in Berlin, one in Rome and one in Egypt. Official announcement shows 4,120 theaters in France and North Africa, plus about 4,000 municipal and co-operative halls in France. Studios now total 17.

Kennedy as Fed. Attorney

Washington Bureau of THE FILM DAILY
Washington — Harold Maurice Kennedy, Brooklyn lawyer, was yesterday nominated by President Roosevelt to be U. S. Attorney for the Eastern District of New York. The Eastern District includes Brooklyn.

N. Y. Central Casting Corp.

Albany—Charter papers have been issued to the Central Casting Corporation of New York, licensed to do business as a theatrical employment agency with a \$50,000 capital, shares valued at \$1. Subscribers of record are Don Luis Gomez, Cuyler Beck, and Francis W. Hulme. Counsel is Conrad Milliken.

Para. Signs Schertzinger

West Coast Bureau of THE FILM DAILY
Hollywood — Victor Schertzinger has signed a long term directorial contract with Paramount. His most recent picture was "The Mikado," made in England.

COMING AND GOING

BARNEY BALABAN, president of Paramount and FRED MOHRHARDT, comptroller, left New York last evening on the Niagara Special for Niagara Falls, Ont., to attend Famous Players Canadian Corp.'s convention there.

JOSEPH J. UNGER, divisional sales manager in charge of the Eastern Atlantic States at Canada for Paramount, and ALEC MOSS, home office advertising manager, arrived last evening in Niagara Falls, Ont., from the home office to attend FPC convention.

JACK COHN, vice-president of Columbia Pictures, and A. MONTAGUE, company's general sales manager, left New York last night for the FPC conclave at Niagara Falls, Ont.

CARL LESERMAN, Warners' assistant general sales manager, and ROY T. HAINES, Eastern and Canadian sales manager, left New York last evening for the FPC convention at Niagara Falls, Ont.

MAX MILDER, general manager of Warner Bros. Pictures, Ltd., England, leaves Burbank today for New York and then will sail for England on Aug. 9 aboard the Queen Mary.

ED SCHNITZER, Warners eastern district manager, is on a trip to Buffalo, Syracuse, Rochester and Utica on business, returning to the home office Monday.

DEL GOODMAN, far eastern manager for 20th-Fox, arrived in New York yesterday for a three week visit.

E. F. LOMBA, special representative of the 20th-Fox foreign department, returned yesterday from a six months trip through the Caribbean territory.

ARTHUR A. LEE, Gaumont British chieftain here, left last night for Niagara Falls to attend the FPC convention.

ADOLPH ZUKOR and JOHN W. HICKS arrive in Sydney Saturday morning on their trip to the antipodes.

C. A. SCHULTZ, of the Commonwealth Amusement Co., Kansas City, W. L. MACK, North Carolina exhib., N. F. HICKS, also an exhibitor from North Carolina, HAROLD J. MIRISCH, Milwaukee exhib., and J. B. ROSSHEIM, Pennsylvania circuit operator, have been visitors this week at the RKO Lounge.

EUGEN SCHARIN, head of Transatlantic Films, sails Saturday on the Champlain for a six week European trip.

JOSHUA LOGAN has returned from South America.

DWIGHT DEERE WIMAN has returned to New York after a vacation in Bermuda.

ERROL FLYNN plans to take an eight week trip to South America on his boat in the near future.

GERALDINE FITZGERALD returns to Hollywood Sept. 1 after a three months vacation in Ireland.

MADEINE CARROLL left the Coast yesterday for New York.

JOHN LODER flew to the Coast last night; he was accompanied by his wife and infant son.

JOHN GRIERSON sailed yesterday from Southampton on the Empress of Australia for Canada.

Mr. Executive!

I'm at your service!!

Stick-to-it-iveness, dependability, character, competency, thoroughness, efficiency,—are my qualifications!

Picture Production—Theatre, Radio, are my Forte!

Salary—Secondary Consideration!

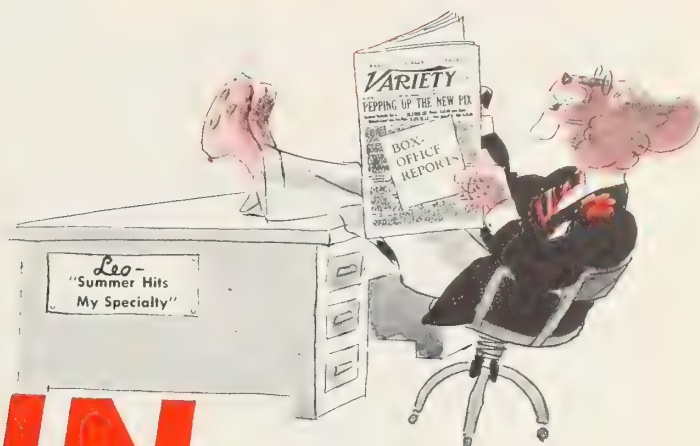
Opportunity—the most Desirable!

Let me prove my worth to You Mr. Executive!

FILM DAILY, Box No. 1206
1501 Broadway New York City

Last Week!

This Week!



AGAIN IT'S ALL M-G-M!

More box-office reports from Variety!
When a feller needs a friend—page M-G-M!

CHICAGO —“‘GOODBYE MR. CHIPS’ continuing at great pace in the Apollo. 4th week. Excellent after getting solid gross last week.”

SEATTLE —“‘MR. CHIPS’ big. 3rd week. Last week great. ‘HARDYS’ big.”

DETROIT —“‘ANDY HARDY GETS SPRING FEVER’ UPS Michigan. Hardy series strong here.”

BALTIMORE —“Holdover ‘GOODBYE MR. CHIPS,’ maintaining momentum heading for okay gross after biggest opening round in weeks.”

INDIANAPOLIS —“‘TARZAN’ okay.”

CLEVELAND —“Baseball, concerts cripple B. O.’s, but ‘MAISIE’ forte. Dandy ballyhoo. Collects smart prize money for week. Last week ‘TARZAN’ went well.”

NEW YORK —“‘CHIPS’ a tablestakes special. 10th week same as previous week. ‘ANDY HARDY GETS SPRING FEVER’ started out good at Capitol Theatre.”

WASHINGTON, D. C. —“‘MR. CHIPS’ 2nd week sticking with strong gross. Last week same pic led town with great gross.”

LINCOLN, NEB. —“‘DR. KILDARE’ did very well.”

PHILADELPHIA —“‘CHIPS’ bows out at the completion of three stanzas with a neat record for sustained strength. ‘ON BORROWED TIME’ at Karlton well above recent average of house.”

LOUISVILLE —“‘ON BORROWED TIME’ rated tops by reviewers. Healthy gross. ‘MR. CHIPS’ rosy.”

BOSTON —“‘TARZAN’ okay. ‘MR. CHIPS’ 2nd week dandy.”

CINCINNATI —“Keith’s is doing swell with ‘ON BORROWED TIME’.”

LOS ANGELES —“‘ANDY HARDY’ tonics L. A. ‘ANDY HARDY GETS SPRING FEVER’ is driving to big week, biggest take known here in past six months. ‘CHIPS’ 10th week. Looks like another okay gross.”

SAN FRANCISCO —“‘CHIPS’ still going strongly. 4th week. Last week, very good.”

PITTSBURGH —“‘ON BORROWED TIME.’ Raves without exception for this one. Sleek campaign. Plenty good gross and may result in h.o. Last week ‘CHIPS’ got good gross at Warner after two previous sessions at Penn. Last week ‘MAISIE’ all right.”

PROVIDENCE —“‘ON BORROWED TIME,’ at State, heads the list. Last week, ‘CHIPS’ strong.”

KANSAS CITY —“‘ON BORROWED TIME’ holding up well. Above average. Last week, ‘CHIPS’ big.”

PORTLAND —“‘ON BORROWED TIME’ holdover. ‘HARDY FEVER’ a natural winner and over the top for big gross.”

DENVER —“‘ANDY HARDY GETS SPRING FEVER’ running strong. Last week ‘CHIPS’ (2nd week) did well above average.”

MINNEAPOLIS —“‘CHIPS’ toast of the town in 2nd week. A four-week engagement is not at all unlikely. Raves by critics and customers.”

Bookers! It's an M-G-M Summer! Turn the Page!

"SORRY
FOLKS,
YOU'LL
HAVE
TO
WAIT!"



HEAT WAVE! HIT WAVE!

Millions of dollars worth of entertainment for your hot-weather screen! That's M-G-M's policy again this summer! It's the policy that has endeared Leo the Lion to his exhibitor customers year after year. While "ANDY HARDY GETS SPRING FEVER" is packing them in (*Biggest Hardy Hit of All!*) announce an M-G-M Summer Festival of Hits to your customers because there's only one outfit that's got a HIT WAVE to match the HEAT WAVE!

THE FRIENDLY COMPANY

GARMES AND WILDBERG TO PRODUCE IN EAST

(Continued from Page 1)

negotiating for the production here of "And So Goodbye" by Mildred Cram, with shooting script by Adele Comandini, and the deal may be closed within the next fortnight. Garmes leaves for the Coast tomorrow, arriving on Monday, and shortly returns to New York.

Pix will be made with a substantial budget, and Garmes' Coast trip is for the purpose of lining up a director and players. Production is tentatively set for Oct. 1. It is understood that financing has been fully arranged and that a distribution deal with a major company is being worked out. Other pictures possibly may follow "And So Goodbye," it was reported.

Second deal has as a principal Jack Wildberg, Broadway producer, who was originally scheduled to fly to the Coast today to confer with an associate. Latter, however, has been called East instead. Wildberg has a two-picture program, it is understood, with stories to be selected from four properties, one of which is Sinclair Lewis' "Angela is 21."

Two major distribs. are reported interested in the Wildberg productions and a deal may be consummated next week. Availability of players will largely govern the selection for the initial pix, but early production, possibly in September, is planned.

Eastern Service Studios at the present time have approximately 180 employes on the rolls, following a seasonal layoff of about 20 in all departments. Audio Productions now have seven pix in work.

Omaha Tourney August 21

Omaha—Exhibs. in the Nebraska-Iowa territory will hold their annual golf tourney Aug. 21 under sponsorship of Omaha Variety Club. Committee in charge includes Glenn Rogers, chairman; Joe Scott, Sid Rose, Joe Jacobs of Columbia, Joe Jacobs of General Outdoor and Harry Shumow, chief barker.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 27

Charles Vidor
Joseph Quillan
Natalie Moorhead
Lawrence Gray
Albert Wetzel

ALONG THE



WITH PHIL M. DALY

● ● ● THAT mag Fortune analyzes Loew-M-G-M.....in their current issue.....the article is an exhaustive study of the set-up past and present of the Loew Theaters since Marcus Loew founded them and of the M-G-M home office and studios.....here are some of the interesting highlights of the article.....

● ● ● IN 1920 Marcus Loew bought an impoverished independent producing and distributing company called Metro..... and poured \$2,000,000 of his theater profits into it.....In 1924 he went deeper into production by buying the Goldwyn Pictures Corp.....and also the independent producing unit run by Louis B. Mayer.....The chief assets of the Mayer company were the men in it, including Mayer himself, J. Robert Rubin, Irving Thalberg and others whom Mayer had lured from other studios with the offer of profit-sharing bonuses.....

● ● ● WHEN Marcus Loew died in 1927, he left an estate of more than \$10,000,000 and a staff of executives trained for years in his conservative—for the picture industry—methods.....During the late twenties, when some other companies were borrowing money to buy or built as many theaters as they could get, Loew's sat tight with its chain of ten dozen or so high class houses.....No small part of the industry went down (in the depression) in a dismal heap of bankruptcies, lawsuits, shake-ups and reorganizations, in which control passed largely to Wall Street.....Loew's however, stood like Gibraltar, keeping its theaters and its financial independence as well.....the work of the home office executives of Loew's and M-G-M and the studio executives, and their place and importance in the company set-up is treated at length.....brickbats are handed out as impartially as bouquets.....it's an article everybody in the film biz should read in toto.

● ● ● TODAY'S the day.....for that outing of the ITOA to Indian Point on the Hudson.....steamer Alexander Hamilton leaves with the gang from West 42nd St. at 9:45.....leaving the Point at 5 in the evening.....

● ● ● PROJECTIONISTS Day will be observed at the World's Fair on Sept. 7.....plans are being made to make the occasion a memorable one.....chairman of the committees are.....J. Basson, General.....P. A. McGuire, Arrangements.....Harry Rubin, Speakers.....Lester B. Isaacs, Technical and Historical.....H. Griffin, Guests.....Louis Kaufman, IA Locals.....M. D. O'Brien, Publicity.....P. D. Herbst, Tickets.....

● ● ● COMMEMORATING the thirteenth anniversary of talking pictures.....a radio broadcast will be sponsored Saturday eve by the Franklin Institute of Philadelphia, oldest scientific organization in America.....Albert Howson, Warner exec, will relate the pioneering activities of the Warners in bringing sound to the screen.....

● ● ● AND now the boys in Chi have organized a sidewalk superintendents' club.....the lads from the Randolph St. Rialto and the B & K headquarters staff watched the Capital building being torn down, and now they will have a lot of fun kibitzing as the newsreel theater goes up on the site.....

« « « » » »

9C CHINESE DOLLAR DUP. DUTIES WORRY

(Continued from Page 1)

Del Godoman, far eastern manager for 20th-Fox told THE FILM DAILY yesterday upon his arrival in New York.

Goodman said that the American companies operating in China were jointly discussing the matter now toward this end, with hope still held 'hat the duty situation may be eased. He expressed the opinion that as long as it was possible to continue operations without losing money it was the policy of the company to do so in order to protect the investment of the exhibitors, but operations at a loss could not be carried on by any company.

Goodman said that it was his hope that the national film industry in India would continue to develop as native films stimulated attendance and increased theater building, thus building up the market for imported pictures.

The 20th-Fox exec. will be here for two or three weeks to confer with Walter J. Hutchinson, director of foreign distribution, and will then return to Beverly Hills to stay with his family for awhile before he returns to the Orient.

See No Speedy Settlement of Rugoff and Becker Case

Although an attempt for a speedier settlement of the Rugoff & Becker-TMAT case was initiated yesterday by the trial examiner, at the close of the day's hearing at the State Labor Board offices, no indication was given by either side that any settlement beyond what will result from the regular procedure might be discussed.

A sharp interchange between the legal contingents opened up the afternoon session. A. L. Green, Rugoff & Becker theater manager, completed his testimony yesterday, replying to a number of differently worded questions that he knew nothing of the individual corporate setup of the organization.

More theater managers will be questioned today.

Moore Sets the Pace

Pittsburgh—George E. Moore, who has been northern district sales representative for 20th Century-Fox for the past 15 years, is the first salesman in the country to close his territory 100 per cent on the coming season's product.

British Steel Pix

London (By Cable)—Inspired by the success of U. S. Steel's Technicolor documentary which, despite its commercial aspect, received playing time in U. S. theaters, Henry Boot & Sons, Sheffield steel works, plans to sponsor a British steel epic, to be produced by Neville E. Neville. Pix also will be made in color with a \$500,000 budget.

"U" EUROPEAN GROSS AHEAD, SAYS COWDIN

(Continued from Page 1)

land and on the Continent, was much better than he had expected to find, Cowdin said. He described his trip as a routine business journey.

Danielle Darrieux positively will fulfill her contract with Universal, Cowdin asserted, pointing out that she had a three-year pact and that she would be over here soon to start a new picture, despite reports to the contrary.

Giveaways at Fair May Block Games Elimination

(Continued from Page 1)

topped by an auto valued at \$1,000, it was reported yesterday. Giveaway idea was submitted to the Board of Directors' executive committee by Norman Bel Geddes, who was delegated to work out the plan.

Exhib. interests yesterday engaged in lively speculation as to the effect of the Fair's giveaway policy on the present move to end games in the metropolitan area. Some felt the move would be blocked.

Under the method of operation already decided, each Fair paying patron will receive a duplicate numbered slip upon entering the grounds. It will be necessary for the ticket holder to visit the amusement area during the day and personally drop one half of the ticket in a large glass globe, mounted on a platform at one end of the one-acre plot, now vacant, near the amusement zone's south end.

Fair also will continue sale of the week-end bargain tickets this week.

Publishes Law Digest

West Coast Bureau of THE FILM DAILY Los Angeles — Dennis Hartman, editor of the Motion Picture Law Review, has just published the Motion Picture Law Digest, a compilation of the decisions of all State and Federal Courts affecting the motion picture industry, from 1900 to date. This work covers the entire field of Motion Picture Law, from Actors to Zoning.

WEDDING BELLS

Jack Barry of Warner Bros. home office art department, will be married on Saturday, to Miss Syd Donnenfeld. The couple will spend their honeymoon in the Adirondacks.

York Village, Me.—Madge Evans, film actress, immediately following her appearance in the play "Brief Moment" at the Ogunquit Playhouse on Tuesday night, left the theater and was married by a justice of the peace to Sidney Kingsley, Pulitzer Prize winning playwright.

★ REVIEWS OF THE NEW FILMS ★

"Heritage of the Desert"

with Donald Woods, Evelyn Venable

Paramount 74 Mins.

SWELL WESTERN DISTINGUISHED BY INTELLIGENT STORY AND EXCEPTIONALLY FINE ACTING.

This western has the advantage of an intelligent plot from the Zane Grey classic, and fine production values by the producer, who has given it a cast of unusually fine players seldom seen in one Western. Donald Woods as the easterner checking up on his western ranch lands, travels west to learn why he has been deriving little revenue from his properties. C. Henry Gordon, his agent, has been cheating him right and left, and also using Woods' name to defraud the other ranchers. When he learns the owner is coming out to the ranch, he has a hiring waylay him. Leaving him for dead, the wounded man is discovered by a rancher, Robert Barrat. At the latter's ranch he is nursed back to health by Evelyn Venable. Then the excitement starts when the easterner recovers, rapidly masters western lore, and starts after his crooked agent. There is plenty of action and thrills, done with class by a bunch of players who make their characters believable and convincing.

CAST: Donald Woods, Evelyn Venable, Russell Hayden, Robert Barrat, Sidney Toler, C. Henry Gordon, Paul Guilfoyle, Paul Fix, Willard Robertson, Reginald Barlow, J. Miller.

CREDITS: Producer, Harry Sherman; Director, Lesley Selander; Screenplay, Norman Houston; Based on novel by Zane Grey; Cameraman, Russell Harlan; Editor, Sherman Rose.

DIRECTION, Very good. PHOTOGRAPHY, Fine.

Building and Remodeling Active in Pittsburgh Area

Pittsburgh — Despite the current lull in theater biz, a number of old theaters in this territory are being remodeled and enlarged and several new ones are under construction. Warners is building a new theater in Titusville, Pa., which is expected to open early in the Fall. WB already has one house in the town. The Manos Amusement Co., operated by the veteran showman, Mike Manos, has started construction of a new theater in Jeanette, Pa., and one in Blairsville, Pa., both to open before the new year. The Temple Theater in Wheeling, W. Va., a de luxe colored house, has been taken over by K. F. Boothman, who has closed the theater for complete renovation and remodeling throughout, to reopen Labor Day.

Roy H. Stewart Dead

Indianapolis—Roy H. Stewart, 57, widely known in theatrical circles, and for more than 17 years a salesman for the National Theater Supply Co., died at his home in Terre Haute, Ind. Funeral services were held Monday and burial was in Rose-lawn Cemetery.

"Death Goes North"

with Edgar Edwards, Sheila Bromley

Warwick 63 Mins.

NEAT SUSPENSE IN MURDER MYSTERY IN CANADIAN LUMBER COUNTRY.

For a picture made for the neighborhood trade, this one shapes up as very fine entertainment. It carries an atmosphere of novelty with its Canadian actors in authentic Canadian scenery in the northwoods. The hero is a Mountie on the trail of the murderer of a secretary to the uncle of the girl, who has come from England to Canada to look after lumber lands they own. The trail of the criminal is very cleverly obscured, with several suspects keeping the suspense well sustained. When the Mountie and his pal get too close to the murderer's trail, attempts are made on the lives of other people. But the Mountie hero finally narrows the trail down to the supposed uncle who has been evidently quite helpful in tracing the criminal. He proves in a dramatic showdown that the apparent uncle whom the girl has never met is really the secretary, who has murdered the other and changed all the identification marks. There is some good character work by various members of the cast, and the logging scenes are well handled. Rin Tin Tin, Jr. does some good canine sleuthing in helping to run down the criminal. Selling angles: Rin Tin Tin, Jr., the four-legged sleuth; the clever murder plot with substitution of identities.

CAST: Edgar Edwards, Sheila Bromley, Jameson Thomas, Dorothy Bradshaw, Walter Byron, Rin Tin Tin, Jr.

CREDITS: Director, Frank McDonald; Author, Edward R. Austin; Screenplay, same; Cameraman, Harry Forbes; Editor, William Austin.

DIRECTION, Fair. PHOTOGRAPHY, Good.

State Labor Federation to Meet Here on Aug. 15

Convention of the New York State Federation of Labor will open Aug. 15 at the Commodore Hotel in New York, this city to be the scene of the annual meeting for the first time in 75 years. District meetings of the affiliated unions will be held the previous day, with the 55 locals of the IATSE in this state huddling at the Commodore.

It is expected that the IATSE will bring up the two-men-in-a-booth bill for discussion on the floor and it is also possible that the current dispute between the actors unions may be aired at the convention.

Overrule B & K Objection

Chicago—Judge Edgar Eldredge, hearing the Government contempt case, yesterday ruled that evidence of theaters operated by defendants in other cities was not admissible in the pending case. He overruled B & K objections to the introduction of their ownership in down state houses. Evidence in this hearing will go into the record when trial is resumed Sept. 5.

★ SHORTS ★

"Five Times Five"

RKO-Pathe 20 Mins.

Quins' Star Film

This is about the best of the series of Quintuplet shorts that have been made exclusively by Pathe down through the five years of the Dionne sisters' birth. The current film celebrates their fifth birthday, with a little party being held in their private garden attended by their doctor and mentor, Allan Roy Dafeo, a local priest, and Alexander Woolcott and their two nurses. Woolcott does the narration and plays with the youngsters throughout a very charming picture which presents the French-Canadian misses in close-ups in their various recreations and amusements. The photography is exceptionally well handled. With the Town Crier presenting the youngsters in his inimitable style, this reel will prove to be one of the most popular shorts of the year. Produced by Frederic Ullman, Jr. Directed by Frank Donovan. Photographed by Harry Smith.

Paramount Pictorial (P8-12)

Paramount 10 mins.

Interesting

European views of the stork at home on a chimney top, showing how it feeds its young. Views of Alaska in the Spring shows a very temperate climate, with agriculture, dairying and mining, and the crumbling of a huge glacier is a very awesome spectacle. The Darwinian theory is borne out in studies of spider monkeys, gibbons and orangutans acting very much like humans.

"Romance of Industry" Effective

Producers—Gontard-Ilfeld 11 mins.

"Power," the first of a series of shorts, based on the Romance of Industry, produced by Gert Gontard and Lester Ilfeld, in collaboration with the University of California, is effectively picturized and should entertain any type of audience. It shows the history of power—man's harnessing the forces of nature to his own uses, and portrays the use of the Cyclotron to produce Atomic energy. John Deering does the narration, which is splendid.

Quebec Tax In Fadeout

Quebec — The city council has given formal second and final reading to the bill providing for discontinuance of collection of the city's 10 per cent amusement tax which led to five weeks closure of Quebec's eleven theaters. The bill stipulates that the tax shall not be collected up to April 30, 1940.

SCHAEFER, PATTERSON GET RKO CORP. POSTS

(Continued from Page 1)

Co. trustee for RKO. Earlier in the day Federal Judge William Bondy signed an order approving the election of Schaefer and Patterson.

Proponents of the reorganization plan believe that it may become effective some time this Fall.

Yesterday's meeting resulted in the election to the present company's board of 11 of the 13 members of the new board which is to take over direction of the company upon consummation of its court-approved reorganization plan, recently affirmed by the Circuit Court of Appeals.

Those elected were Ned E. Depinet, vice-president of RKO Radio; Thomas P. Durell, associated with White, Weld & Co.; Frederick L. Ehrman, associated with Lehman Bros.; L. Lawrence Green, lawyer; Conde Nast, president and chairman of the board, Conde Nast Publications, Inc.; John E. Parsons, lawyer; Richard C. Patterson, Jr., former Assistant Secretary of Commerce; N. Peter Rathvon, president of Rathvon & Co.; George J. Schaefer, president Keith-Albee-Orpheum Corporation, B. F. Keith Corporation and RKO Radio Pictures, Inc.; W. G. Van Schmus, managing director of Radio City Music Hall and president of Radio City Music Hall Corporation, and Raymond Bill, publisher. Sen. James G. Harbord, chairman of the board, RCA, and Lunsford P. Yandell, executive, RCA, are members of the present company's board and will carry over as the other two members of the new 13-member board.

The action of the District Court yesterday will enable the men who are to have the responsibility for the affairs of the new corporation, under the reorg. plan, to meet informally for consultation with the RKO management and the trustee.

In a formal statement, issued following the meeting, it was said that the board met because it anticipated RKO's early emergence from reorganization proceedings and "its reestablishment as an independent business organization, with new capital interests and renewed earning power."

It also was said that "during recent months, RKO's earning power has been steadily increased under the direction of George J. Schaefer, who has been president of RKO Radio Pictures, Inc., since October, 1938."

RKO went into receivership early in 1933 and into reorganization proceedings under Section 77B of the

STORKS!

Pittsburgh—Mr. and Mrs. Saul I. Perilman (papa is booker at the local Monogram exchange) are the parents of a 6½-lb. boy.

Conscription Presents British Industry With Camp Theater, Cut Price Headaches

London (By Cable)—Conscription, in addition to the labor problem, is presenting British exhibs. with several headaches. One stems from the encroachment of camp theaters designed for the entertainment of the new militiamen and the added privileges the camp theaters enjoy. In some instances, Sunday openings are being permitted. Another headache results from the suggestion by military authorities that men in uniform enjoy half prices at all box-offices.

Goldwyn to be Examined In "Roman Scandal" Suit

(Continued from Page 1)

damages against Goldwyn, Samuel Goldwyn, Inc., Ltd., and United Artists Corp. and Eddie Cantor.

The notice requires Goldwyn to appear in Room 1300 of 32 Broadway, New York, and to produce scripts, scenarios and negative of the film "Roman Scandals."

Complaint charges plagiarism of plaintiff's play, "Oh Shah," in the film.

U. S. Circuit Court of Appeals recently reversed a dismissal of the suit and ordered a new trial to be held in the fall.

20th-Fox Caribbean Biz Said Steadily Improving

(Continued from Page 1)

20th-Fox foreign department, told THE FILM DAILY that company business was steadily improving and from all indications should continue at this pace, which is well ahead of last year's marks.

Lomba visited some 12 or more foreign countries in this region on his tour, making a complete swing twice.

Bankruptcy Act the following year. Irving Trust was at first receiver and, later, trustee, taking over the responsibilities which normally would rest on RKO's board of Directors. In January of this year, a plan of reorganization put forward by the Atlas Corp. was approved by the Court. Under this plan, all of the fixed indebtedness of RKO was taken care of by the creation in its place of two new classes of stock: a 6 per cent Cumulative Convertible Preferred stock, callable at \$105 and a Common stock.

Several new interests have developed in the RKO picture during its period of reorganization proceedings. In 1935, Atlas Corp. acquired one half of the holdings of the RCA, which gave to Atlas approximately 42 per cent of the old RKO Debentures and 24 per cent of the old Common stock. Atlas bought an additional one-twelfth of RCA's remaining holdings in January, 1938. Rockefeller Center, Inc., held a claim against RKO which resulted in the allowance to it of 415,000 shares of the new Common stock under the reorganization plan. Time, Inc., acquired certain 6 per cent RKO Notes formerly held by the Pathe Film Corp. and will receive therefor, under the reorganization, a substantial block of new securities. RCA retains approximately one-half of its former substantial holdings.

Republic to Seek Quick Settlement With Guild

(Continued from Page 1)

J. Yates to effectuate a quick settlement "to the best advantage of all concerned" in the breach existing between the Screen Directors' Guild and Republic. Action ending the impasse is, therefore, expected next week, as Siegel leaves New York today for the Coast.

Republic's Budget Boost Stands After Conferences

Republic's budget boost of 25 per cent for the new season, over amount expended for the 1938-39 lineup, will stand, it was asserted yesterday by M. J. Siegel, president of Republic Productions, Inc. Decision, he said, is outgrowth of conferences between him and Herbert J. Yates, prior to latter's departure for England yesterday.

Siegel added that the 1938-39 lineup has been wholly completed, and that two features on the new season's schedule are through the shooting stage—"Flight at Midnight" and "Calling All Marines."

He is leaving tonight for Hollywood on the 20th Century Limited.

Hollywood Stars Sought for Command Performance

(Continued from Page 1)

English circuit is allied with Gaumont British, arrived in New York yesterday on the Champlain to determine which stars will be available. Although the command performance is a yearly event, this will be the first time that American screen names have been requested.

Hyams said yesterday that he had been in contact with the Hays office on the subject and that the major studios had prepared a list of their players who might be obtained. The command performance will be held in about six weeks.

Hyams denied reports of a GB-Odeon consolidation, saying such a move was not contemplated at this time. In regard to television, he said that the English people respond to it only when special events are telecast but that they have not accepted it as a developed form of entertainment. He leaves for the Coast on Monday.

Sign Illinois Truck Bills

Chicago—Governor Henry Horner has signed the truck bill, outlawing industry combinations in the trucking field, also a bill doing away with Illinois toll bridges. Film carriers hail both measures as being constructive.

N. Y. ALLIED TALKS CODE WITH MAJORS

(Continued from Page 1)

did not come up for consideration, Max A. Cohen, unit head, said yesterday.

Cohen said the all-day session was a "harmonious one" and that another meeting will be held shortly. He said no conclusions, agreements or decisions were reached but that certain problems and issues were presented by his representatives for consideration.

UA Seeks Dismissal Order in Folly Theater Action

(Continued from Page 1)

\$750,000 damages brought by Folly Amusement Holding Corp., former operators of the Folly Theater in Brooklyn, against the eight majors, Monogram Distributing Corp., Republic Pictures Corp., Randforce Amusement Corp., and a number of other defendants for alleged violation of the anti-trust laws.

Federal Judge Murray Hulbert will hear the application on Aug. 1, in addition to further requests by UA to strike certain paragraphs of the complaint and for a bill of particulars. Plaintiffs claim that it was forced to give up its theater because of alleged failure to secure product.



FOR **REEL** SHIPPING
ECONOMY PHONE

RAILWAY EXPRESS

You get complete, day and night, nation-wide film shipping service right to your door at low economical rates. No extra charge for pick-up and delivery in all cities and principal towns and for insurance up to \$50.00. For 3-mile-a-minute deliveries — use AIR EXPRESS — 2500 miles overnight — at low cost too! Merely phone the nearest RAILWAY EXPRESS office for quick action.

1839 . . . A Century of Service . . . 1939

RAILWAY EXPRESS
AGENCY INC.

NATION-WIDE RAIL-AIR SERVICE

SPONSORED SHOWS UP IN MICHIGAN TOWNS

(Continued from Page 1)

Household Finance Corp., using commercial films to carry the sponsor's message.

Typical program is that of "New Adventure," by Household Finance Corp. This film was produced here by Jam Handy Picture Service, and is primarily an entertainment film, giving the adventures of a young married couple, difficulties, which are shown to be purely financial, and their solution through the proper financing arrangement. Sponsor mention is incidental.

Tied in with this is a 22-minute reel, also produced by Jam Handy, "An Evening with Edgar Guest." This dramatizes one of Guest's poems and contains no advertising whatever. It apparently makes an excellent attraction in billing for the program, as the "New Adventure" film obviously does not have strong name drawing power.

Sponsor Pays the Spot

Operators, equipment, and film for this type of show are booked and sent out by Modern Service, without charge to the organization, charges being met by the sponsor.

Several methods of operating in the smaller theaterless towns are under way, and it is in this direction that expansion is taking place. Factor is the availability this year, for the first time, of the hugely increased luminosity of arc lamps in 16 mm. projection. Many of these shows in the past have been 35 mm., because of the need of greater projecting power, but it is expected that 90 per cent will turn to 16 mm. this summer, Reiss said.

Chevrolet and Studebaker are among the chief sponsors of the shows in theaterless towns, it is understood, with these two companies often preferring street shows. Reiss' own organization usually shows in halls, and supplies the film service for individual operators or crews, working for the sponsors or else operating independently and selling their own services to the various sponsoring organizations.

Typical setup is for the local operator to cut down running expenses by using the free shows one night as a draw and then running the second night with regular entertainment show at a paid admission. Such shows are usually run on a circuit basis, showing once every two weeks.

Two-Day Sponsored Program

Modern Service is also working on a two-day sponsored program to

Duals Problem

Omaha—Recent arrival here of Joe Jacobs as new branch manager for Columbia has Film Row in a bit of puzzlement. Row already had one Joe Jacobs, salesman for General Outdoor Advertising.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twenty-fourth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 24

- (5) **Hearing and Notice:** The Chairman of the Arbitration Board shall
- Arrange for a prompt hearing.
 - Give reasonable notice to the other arbitrators.
 - Give reasonable notice to the parties of the time and place of the hearing and of the personnel of the Arbitration Board.
 - In an overbuying dispute, the Chairman shall give similar notice to all distributors who have contracts with the party complained against.

Place of Hearing: Hearings shall be held in cities (31 are named in Article I of the Rules of Arbitration) in which the Exchanges are located from which the complaining exhibitor is served. If the complaint is filed by a distributor, it shall be held in the city in which the Exchange is located from which the exhibitor complained against is served.

Representation of Parties: The parties may represent themselves or be represented by others at all hearings. They have the right to examine or cross-examine all witnesses.

Testimony Under Oath: Witnesses shall testify under oath.

Production of Records: The Arbitration Board may require any party to a dispute to produce at the hearings any records or documents considered by it to be material and relevant.

Rules of Evidence: The Arbitration Board shall be the judge of the relevancy and materiality of the testimony or evidence offered. Legal rules of evidence shall not be applied. The Board may inquire into the good faith of any claim or defense.

Stenographic Record: Stenographic records will not be made unless one or more parties request them and provide funds therefor. In such a case, the stenographer shall be designated or approved by the Arbitration Board.

(Twenty-fifth installment will appear in an early issue.)

GB Instructional Plans "Color Secrets of Life"

London (By Cable) — Gaumont British Instructional will make future reels in the "Secrets of Life" series in Dufaycolor; series is now in its 18th year, GB Instructional is planning a new series of color cartoons designed to illustrate the story of the British Empire; series will be for theatrical as well as entertainment use.

Walter Wanger to Speak

Williamstown, Mass. — Walter Wanger is scheduled to address the 1939 Williamstown Institute of Human Relations on Aug. 31.

meet this same requirement of operating economy. Difficulty here is to satisfy the sponsors, as the two nights are usually of unequal drawing power, and each sponsor naturally demands the best night.

Modern Service supplied films and service for a number of free shows sponsored by local merchants also last season, but is not actively promoting this department this year. Under this setup, merchants usually contributed \$2 apiece toward the cost of the show, to draw people into town on a certain night each week. However, if the night was bad, and the crowd small, the merchants in many cases objected to paying the fee, and financial complications arose as a result.

Objection of exhibitors in Michigan has been based upon the contention that free shows draw people who would naturally come to their towns.

Reserve Decision on Plea to Dismiss Wanger Suit

Decision was reserved yesterday by N. Y. Supreme Court Justice Felix Benveniste on an application of the News Syndicate Co., Inc., publisher of the New York Daily News, to dismiss the \$1,000,000 libel suit filed against it and Ed Sullivan by Walter Wanger and Walter Wanger Productions, Inc.

Suit charged libel in an article written on May 21 in the column "Hollywood" which discussed Goldwyn's dispute with UA.

Sullivan has not been served as yet.

The News Syndicate Co. contended that no slight was intended against Wanger in the article, and that as a matter of law, no libel had been committed.

Schwartz & Frohlich, counsel for Wanger, claimed that the article had been part of a plan by Sullivan to take Goldwyn's part and to stir up public opinion in his favor. Counsel further contended that the article was clearly "a trade libel" and that the average reader would understand that Wanger and other UA producers were charged with making "slipshod factory pictures."

Argument opposing application for the order was presented by Louis D. Frohlich.

World Going First Run

Beginning Aug. 12 the World will present first-run films, the first being "The World Is Ours," a Czechoslovak comedy.

MAY COMPLETE MORI MONOP'LY CASE TODAY

(Continued from Page 1)

ference to clearance—and product situations, not only in Vineland but in the Philadelphia area. Moss competence as a witness in all questions was challenged from time to time by defense counsel but all objections were overruled by the court.

At the afternoon session with Moss still on the stand, the Judge suddenly called a recess and after a half hour, it was announced hearings would be resumed at 9:30 this morning with indications that the hearing would come to an end by tonight, a new form of procedure having been agreed upon by counsel. Affidavits, etc., will be submitted after today's testimony and the Court will reserve decision.

Yates Sails to Promote Rep. Product In Britain

(Continued from Page 1)

Autry p.a. tour there.—Herbert J. Yates, CFI president sailed from New York yesterday aboard the Manhattan, accompanied by his wife, and son, Richard; Walter and Mrs. Titus, the latter the former Elsie Yates; and Gene and Mrs. Autry.

Autry's tour, Yates commented, will serve as an "icebreaker" to acquaint potential customer exhibition outlets in the U. K., as well as the public, with 1939-40 Republic features. Autry will appear in all important U. K. cities in conjunction with features in which he stars. On the Europe-bound crossing his picture "Colorado Sunset" has been booked for showing to the passengers, and, on the return journey in early September, also on the Manhattan, "In Old Monterey," newest Autry feature will be shown.

Autry's tour will commence in Ireland on Aug. 7, coincident with the following day's opening of Horse Show Week in Dublin. Present schedule calls for the playing of 17 houses in Ireland alone.

With eye to strengthening Republic's U. K. future, Yates said that he will confer with execs. of British Lion, which now distributes in England. Pact between the companies still has two years to run.

The Yates party will arrive back in New York on Sept. 12.

"U" Dubbing In Spanish

Universal was reported yesterday to be dubbing "You Can't Cheat An Honest Man" in Spanish for distribution in that form in the Spanish speaking territories.

Bank Night Repulsed

London (By Cable) — Bank Night's British invasion has been repulsed. CEA checkup shows no theater using the game.

Film Industry Facing More Trust Suits, Says Murphy

(See Column 4 Below)

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 19

NEW YORK, FRIDAY, JULY 28, 1939

TEN CENTS

Governor's Veto Kills Anti-Duals Measure in Illinois TREATY DENUNCIATION MENACES JAP FILM MARKET Report New York Allied May Sign Trade Practice Code

Local Unit Said to Have Made Progress in Wednesday's Talks with Majors

That New York Allied eventually would sign a trade practice code, despite national Allied's stand, was indicated in industry circles yesterday. It was reported that considerable progress towards a mutual understanding was made at the conference held Wednesday between the New York unit's negotiating committee and the major sales heads.

In commenting on the report that New York Allied would sign the

(Continued on Page 4)

DEFENSE WINS TIME IN OKLA. TRUST SUITS

Oklahoma City—A further extension of time for defendants in the Department of Justice suits in Federal District Court here was granted yesterday by Judge Edgar S. Vaught, who gave defense attorneys until Aug. 20 to file memorandum briefs on their motions for bills of particulars and to make them more definite and certain.

Fifteen days following this date

(Continued on Page 7)

Alliance N. Y. Exchange Completes Organization

Personnel of the New York Exchange of Alliance Films Corporation at 630 Ninth Avenue has been completed. Under the leadership of Arthur Greenblatt, exchange manager

(Continued on Page 6)

Capital Reports France About to End Pix Visas

Washington Bureau of THE FILM DAILY
Washington—Reports were prevalent here yesterday in official circles that the recently disclosed plan of

(Continued on Page 6)

State-wide Code Strategy of N. Y. Allied Fails to Appeal to Illinois Exhib. Unit

Chicago—There is no disposition on the part of Allied Theaters of Illinois to follow the lead of New York Allied in moving for a state-wide code. Opposition to such strategy was voiced at the week-end by Van Nomikos, vice-president of the local Allied affiliate. Nomikos, favoring a national code as better for all concerned, suggested exhibs. and distribs. get together "in an honorable way."

RKO'S Reorg. and New Financing Seen Complete in About 3 Months

New financing for RKO will be set at about the same time the reorganization plan becomes effective, R. C. Patterson, new chairman of the board, said yesterday.

This will be in about three months, Patterson stated, adding that the company in reality was out of the courts now.

Patterson, former Assistant Secretary of Commerce, said that his duties would be to supplement the work of George J. Schaefer, RKO president, who, he declared, was the real "boss" of the entire organization.

Schaefer and Ned Depinet, vice-president, are scheduled to leave today for the Coast.

Expect UA Board to Act on Rowland Distrib. Deal

Whether Richard Rowland will become a United Artists producer may be decided at the next meeting of UA's board.

The subject was reported to have been discussed at the last meeting of the board but no action was taken, the matter having been deferred until the next session.

Negotiations have been held but

no contract has been signed, a company executive said yesterday.

West Coast Bureau of THE FILM DAILY

Hollywood—Richard Rowland will send "Miss Bishop" before the cameras in November, with UA release in prospect. Archie Mayo will direct and it is understood Rowland wants Barbara Stanwyck for the title role, that of a school teacher.

Anti-Duals Bill Fixing Length of Pix Shows Killed by Ill. Governor's Veto

Briefs in Mori Action to be Filed by Sept. 1

Philadelphia—Hearing on the application by Eugene Mori of the Landis Theater, Vineland, N. J., et

(Continued on Page 7)

Springfield, Ill.—On the ground that the measure was unconstitutional, Gov. Henry Horner yesterday vetoed the Sandquist bill designed to outlaw double features in this state.

In his veto, Horner said: "In the

(Continued on Page 6)

U. S. Distributors Fear Move May Mean End of Export Biz

By GEORGE H. MORRIS
FILM DAILY Staff Writer

Faced yesterday with the potential loss of the Japanese market for their films, as result of both the sudden and dramatic denunciation of the 1911 American-Japanese commercial treaty by Secretary of State Cordell Hull, home offices of both the majors and indies eyed the situation with uneasiness and commenced preparing for eventualities, if and when they should arise.

While opinions expressed by producer-distributor executives varied widely as to the precise motives of the Government in abruptly serving notice at this time upon Japan

(Continued on Page 6)

D OF J PLANNING MORE TRUST SUITS

Washington Bureau of THE FILM DAILY

Washington—That the motion picture industry is facing more anti-trust suits from the Department of Justice was confirmed yesterday by Attorney General Frank Murphy at his press conference. Asked, "is the Department preparing any new anti-trust suits against the motion

(Continued on Page 7)

Films Escape 2% Sales Tax Levy in State of Washington

Olympia, Wash.—State exhibition interests won a sizable victory yesterday when the Washington Tax

(Continued on Page 4)

Hear Particulars Motion In Folly Suit Tuesday

Application of Paramount Pictures, Inc., 20th Century-Fox Film Corp., Loew's, Inc., Universal Pictures, Inc.,

(Continued on Page 7)

THE FILM DAILY

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat				
Col. Picts. vtc. (2½%)				
Col. Picts. pfd.				
Con. Fm. Ind.	1½	1½	1½	+ ¼
Con. Fm. Ind. pfd.	11½	11½	11½	+ ¼
East. Kodak	171	168¾	171	+ 2
do pfd.	173	173	173	- 1
Gen. Th. Eq.	11¾	11¾	11¾	+ ¼
Loew's, Inc.	47¼	46¼	46¾	+ ¾
do pfd.				
Paramount	10½	10	10	
Paramount 1st pfd.	94¾	94¾	94¾	- 1¾
Paramount 2nd pfd.				
Pathe Film	13½	12½	12½	- ¼
RKO	2½	2	2½	+ ½
20th Cent.-Fox	20¾	20¾	20¾	+ ½
20th Cent.-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	5½	5¼	5½	- ½
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100½	100½	100½	+ ½
Loew's deb. 3½s46	103¼	103½	103½	
Par. B'way 3s55	50½	50	50	- ½
Par. Picts. 6s55				
Par. Picts. cv. 3¼s47				
RKO 6s41	75	74½	74½	- ½
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	90½	90	90¼	+ ½

NEW YORK CURB MARKET

Monogram Picts.	1½	1½	1½	- ½
Sonotone Corp.				
Technicolor				
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3½	5
Loew's Thea. Realty 6s 1st '47	100½	102½
Met. Playhouse, Inc. 2nd deb. '45	70	72
Roxy Thea. Bldg. 4s 1st '57	65	67

Warner Chieftain Sails on 9-Week S. A. Biz Trip

Sam E. Morris, vice-president of Warners, sails today on board the S. S. Argentina for a nine-week business trip to South America. He will spend three weeks in Brazil and the rest of the time in Rio de Janeiro.

Westinghouse 6 Mos. Net Increases to \$6,338,787

Net profit of Westinghouse Electric & Mfg. Co. for second quarter of 1939 was \$3,982,635, or \$1.49 a share, which means that the net for the first half totals \$6,338,787, or \$2.37 per share.

Second quarter net a year ago was \$2,469,372, or 92 cents a share, while the first half of 1938 netted \$4,500,602, or \$1.68 per share.

George H. Bucher, president, declared, coincident with making public the financial report, that it is the company's opinion that business will remain better throughout the year than that of 1938.

Heywood-Wakefield Reports Cuts in Loss for 6 Months

Heywood-Wakefield Co., large-scale manufacturers of theater seats and kindred products for other industries, report operation for the first six months of 1939 resulted in a loss of \$125,519, compared with a loss of \$153,312 for the same period a year ago.

Shipments during the first half of 1939, however, exceeded those of the first half of 1938 by 16 per cent.

Beginning with June, last, there was an increasing demand for merchandise, and at present, company reports, it is receiving orders in good volume.

Screen Publicists Guild Asking S-I Rehearing

West Coast Bureau of THE FILM DAILY Hollywood—Screen Publicists Guild is petitioning the NLRB for an immediate rehearing on application of the Selznick International SPG unit which is 100 per cent organized and which desires SPG certified as its bargaining representative. Due to a technicality, Selznick International unit was not named by NLRB as one of the units to be represented by SPG.

Weber Home to Recuperate

Joseph N. Weber, president of the American Federation of Musicians, has returned to his home in New York City from Kansas City following a severe illness which forced him to remain in K. C. for some time after the windup of the AFM convention in that city. Weber was reported to be recovering rapidly, but it will be necessary for him to recuperate further at his home before he will be able to return to the AFM headquarters.

"Winter Carnival" Clicks

Walter Wanger's "Winter Carnival" got away to a fast start at the Radio City Music Hall yesterday, playing to an estimated 20,000 admissions.

Jack Duffy Dead on Coast

West Coast Bureau of THE FILM DAILY Hollywood—Jack Duffy, 57, veteran stage and screen comic, is dead here.

GTE Net Lower in Quarter, But Ahead for Six Months

General Theaters Equipment Corp. and subsidiary companies (excluding Cinema Building Corp., J. M. Wall Machine Co., Inc. and Zephyr Shaver Corp.) report consolidated net profit, after provision for depreciation and estimated normal Federal income tax, subject to year-end adjustments, of \$182,686 for the three months ended June 30. This compares with \$194,920 for the corresponding period last year.

For the first six months of this year, consolidated net profit was \$328,230 compared with \$315,185 for the first half of 1938.

As of June 30, the corporation had 597,247 shares of capital stock outstanding compared with 597,172 shares on June 30, 1938.

Grierson to Tour Canada, Australia, New Zealand

Montreal—John Grierson, who is aboard the liner Empress of Australia en route to Canada, plans a six months' tour of the Dominion, Australia and New Zealand in order to study possibilities of the screen as an aid to closer Imperial relations. At Ottawa, he is to have conversations with Frank C. Badgley, director of the Canadian Government Motion Picture Bureau. Grierson is a member of the British Films Council.

K-A-O to Pay '36 Dividend Out of Operating Surplus

The Board of Directors of K-A-O declared a dividend, out of operating surplus, of \$1.75 per share on the 7 per cent Cumulative Convertible Preferred Stock of said Corporation for the quarter ended Dec. 31, 1936, payable on October 2, to the holders of record of said stock at the close of business on Sept. 15.

Roxy Sets P'd Dividend

The Board of Directors of Roxy Theater, Inc., at its meeting yesterday declared a quarterly dividend of 37½c per share on the outstanding Preferred Stock of the Corporation, payable Aug. 24, to stockholders of record at the close of business on Aug. 10.

Milstein to Take Clipper

J. J. Milstein, eastern representative for Edward Small Productions, plans to fly to Europe via the Pan-American Clipper on Aug. 12. He will supervise the advertising campaigns on "The Man in the Iron Mask" in London and Paris.

Flying Down to Rio

Walter Gould, United Artists' supervisor for South America, leaves today by train for Miami where he will board a plane for Rio de Janeiro. He expects to return shortly before Thanksgiving.

COMING AND GOING

MURRAY SILVERSTONE, United Artists chieftain, leaves for the Coast in the near future, and on his return plans a trip to England.

GEORGE J. SCHAEFER, RKO prexy, and E. DEPINET, go to the Coast today.

SAM E. MORRIS, Warner vice-president in charge of the foreign department, and PHIL REISMAN, RKO foreign chieftain, sailed last night for South America.

C. C. PETTIJOHN, MPPDA General Counsel, MRS. PETTIJOHN, and VLADIMIR ZWORYKIN, RCA television research engineer, sail today on the Saturnia.

WALTER GOULD, United Artists supervisor for South America, leaves by plane today for Miami and goes from there to Rio.

L. J. SCHLAIFER, vice-president of United Artists, returned yesterday from a visit to western exchanges.

GEORGE HICKEY, Metro western division manager, left last night for a visit to San Francisco and Los Angeles.

JAMES R. GRAINGER, president of Republic, returns this week-end from Niagara Falls where he attended the Famous Players convention.

RITA CAVE, publicity and television director of the Odeon circuit in Great Britain, leaves New York today for London on the Mauretania.

TOM MURRAY, Universal exec., left last night for Chicago on the second swing of an exchange tour.

FRANK CAPRA is expected to return to the Columbia studio this week-end from a vacation to start editing "Mr. Smith Goes To Washington."

WALTER BRADFIELD has gone to Miami to handle publicity there for Paramount and the Fleischer Studios. HAMP HOWARD returns to the New York office.

J. J. Milstein, eastern representative of Edward Small, plans to fly to Europe Aug. 12 on the clipper. He will remain abroad about two weeks.

RAY COLVIN, head of the Exhibitors Supply Co., St. Louis, has returned there after a vacation in New York.

CECIL CUPP, Arkansas exhib., D. B. AUSTELL, North Carolina exhib., DAN AUSTELL, South Carolina exhib., and P. R. MANES, Philadelphia exhibitor, were visitors this week at the RKO lounge.

BETTE DAVIS arrives here next week from the Coast.

E. J. STUTZ, managing director of the Sonotone Theater, Chicago, returned to that city last night from New York.

BRUCE CABOT is en route to Europe on the Manhattan.

ERICH WOLFGANG KORNGOLD sails Sept. 15 from New York for Stockholm, following completion of his original score for Warners "The Lady and the Knight."

ELMER RICE is due this week-end from Europe on the clipper.

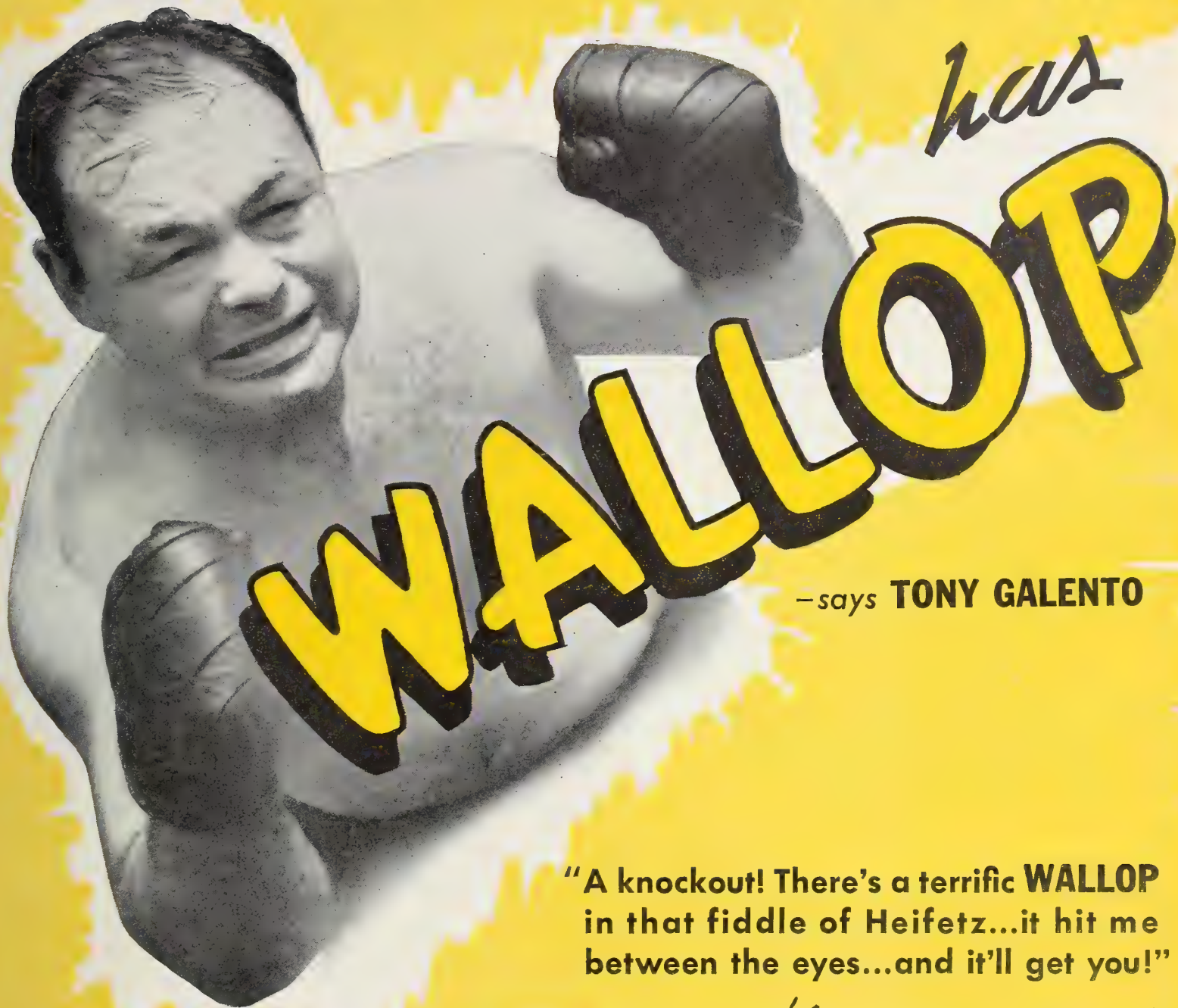
VICTOR YOUNG, signed to write the background music for "Gulliver's Travels," leaves for the Fleischer studios Miami, in early August.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 28	
Joe E. Brown	Skeets Gallagher
Blanche Mehaffey	Rudy Vallee
Edward Martindel	Marilyn Scottland
JULY 29	
William Powell	Clara Bow
JULY 30	
Holmes Herbert	Sidney R. Kent

**"Samuel Goldwyn's
THEY SHALL HAVE MUSIC!"**



has
—says TONY GALENTO

**"A knockout! There's a terrific WALLOP
in that fiddle of Heifetz...it hit me
between the eyes...and it'll get you!"**

Tony Galento

SAMUEL GOLDWYN *presents*

Jascha **HEIFETZ**
**THEY SHALL HAVE
MUSIC!**

with **ANDREA LEEDS • JOEL M'CREA
GENE REYNOLDS • WALTER BRENNAN**

Directed by **ARCHIE MAYO**

Released thru UNITED ARTISTS

REPORT N. Y. ALLIED TO SIGN TRADE CODE

(Continued from Page 1)

code if certain provisions were included, Max A. Cohen, unit president, said that his negotiating committee had full authority to work out a deal with the distributors and to consummate a plan if satisfactory.

This remark was taken by some to mean that New York Allied would take advantage of the concessions incorporated in the draft.

It is reported that the distributors are concentrating their efforts in clarifying the clearance clauses of the code. It is believed that the plan is close to completion, as W. F. Rodgers, key man in the group, is planning to go to the Coast next week.

Films Escape 2% Sales Tax Levy in State of Washington

(Continued from Page 1)

Commission relieved theaters from paying the 2 per cent sales tax.

The Commission ruled that the sales tax, enacted this year by the Legislature, was not applicable to films.

An admission tax already is in effect here.

80 New Zealand Houses Set to Play UA Lineup

Deal whereby United Artists' entire 1939-40 product will play Amalgamated's 80 theaters in New Zealand was announced yesterday by Arthur W. Kelly, vice-president in charge of foreign distribution. Pact was closed in New York with Michael Noodabe, joint owner of the circuit, who recently arrived from Auckland.

Hoffberg Closes Deal

Deal has been closed by J. H. Hoffberg with the Sonotone Theater, Chicago, for the first run in that city of "Escape From Yesterday" and "Father O'Flynn," being distributed in this country by Hoffberg. E. J. Stutz, managing director of the Chicago theater returned to that city last night after contracts were signed.

"Bondage" Revival Big

RKO Radio's re-issue of "Of Human Bondage" gave Loew's Criterion the best opening biz in weeks, RKO home office reported yesterday.

Title Casualties

Dallas — Ever since "Frankenstein" showed here Alfred J. Frankenstein, printer, and his wife Selma S., have been made the subject of wisecracks to such an extent that their names have become distasteful to them. As a result, they filed a joint petition in the district court to have their last name changed to Frank.

ALONG THE

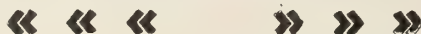


WITH PHIL M. DALY

● ● ● THE weather bureau promised light showers for the ITOA annual outing up the Hudson yesterday.....but those exhibs. are always lucky fellers.....they grabbed a cloudburst.....as the Alexander Hamilton pulled into the dock at Indian Point, the rain poured down.....so the steamer kept right on going up the Hudson because the colored porters were making a lot of tips supplying decks of cards for poker and bridge.....here are some of the fellers who won or lost at cards or African golf.....Leon Rosenblatt, Leon Frank, Moe Kerman, Dave Snaper, Joe Lee, Harry Buxbaum, Phil Hodes, Joe, Dave and Ben Weinstock.....Harry, Bill and Bingo Brandt, George Hornstein, Jack Levy, Dave Mendelsohn, Jack Bowen, Stanley Lawton, Al Brandt, Jack Heymann, Henry Reiner, Wolfred Rittenberg, Arnold Cohen, Harold Bennett, Harry Vrenner, Arthur Mannheimer, Adolph Haas, Ansel Knowles, Saul Straussberg.....Herman Weingarten, Harry Thomas, Moe Sanders, Irwin Sorin, Mel Albert, Irving Renner, Herman Eisenstadt, M. A. Shaw, Stanley Kolbert, Louis Mazze, Lionel Toll, Harry and Bernard Pear, Seymour Kutinsky.....600 exhibs, exchange men, distributors and equipment men and their wives had a grand day's fun in spite of the rain.....

● ● ● ESSENTIALLY on the personal side.....Ed Selzer, head of Warners trailer dept.....will make a special personality reel on Dennis Morgan.....which will be shown as advance buildup.....for the actor's starring role in "The Sea Hawk".....
● Deal which will see Alexander Ince.....taking over Stage Magazine.....is expected to be closed next week....
● Lillian Gish is in Taos, N. M.....as the guest of Myron Brinig.....who will do the pioneer star's biog.....And from Taos to this colyum comes the hint that La Gish.....will proceed to Hollywood in August.....to make screen tests.....for the femme lead.....in one of the outstanding pix.....on a major's 1939-40 lineup....
● Bill Russell.....musical director on Ted Eshbaugh Studios staff.....goes to Fort Thomas, Ky. for two weeks.....to appear as emcee with Jimmy Durante.....at the Beverly Hills Country Club....
● Exhib. Rex P. Barrett is back in the mayor's chair.....at Columbia, Mo., defeating a GOP opponent in a special election.....to fill a vacancy caused by death....
● Anita Louise and Wendy Barrie have been signed for p.a.'s in Dallas.....in connection with the Jesse Lasky "Gateway to Hollywood" trials next month....
● George Hickey, Metro's Western division exec., ended his first visit East in years last night.....starting the return trek across the continent....."The Sheriff," as George is best known, made a special trip to Boston while here.....to get a plate of beans.....or so we hear tell.....

● ● ● UNITED ARTISTS and Walter Wanger.....are not the only ones cashing in.....thanks to "Stagecoach".....we learn from the Lordsburg, N. M., Liberal.....Lordsburg is.....and how.....The town, you see, was the locale for Wanger's pix.....and according to the Liberal, it's resulted in a "See Lordsburg First" movement of surprising proportions.....with delegations from virtually every State stopping off.....to look over the town and boost biz.....What's more.....the Chamber of Commerce is being flooded.....with inquiries from folks who want to settle there.....Observe the Liberal editorially....."The advertising that we are getting from 'Stage Coach' couldn't have been purchased for many thousands of dollars".....Any producer want to glorify New Hope, N. Y.?



DATE BOOK

- Today: Cleveland Variety Club golf tournament, Beechmont Country Club.
- July 31: Pittsburgh Variety Club picnic, Cam O'Connell.
- Aug. 1: Fourth annual MPTO of Connecticut tournament, Race Brook Country Club, Orange.
- Aug. 1-4: Schine Enterprises convention, Gloversville.
- Aug. 4-7: Gibraltar Enterprises convention, Denver.
- Aug. 6: MPTO of Western Pennsylvania outing, Dr. C. E. Herman's farm, Carnegie.
- Aug. 8-10: National Theaters regional convention, Kansas City.
- Aug. 10: RKO Radio U. K. sales convention, Trocadero, London.
- Aug. 11: Abe Lichtman testimonial dinner, Willard Hotel, Washington.
- Aug. 13: Chicago Film Carriers Association outing, Mannheim Woods.
- Aug. 14-16: National Theaters regional convention, Los Angeles.
- Aug. 16: Women's Film Industry Club and Film Bookers Club of Chicago Midsummer Splash Party, Medinah Club.
- Aug. 16: Rocky Mountain Screen Club picnic and dinner dance, Evergreen.
- Aug. 21: Omaha Variety Club golf tournament.
- Aug. 21: Detroit Variety Club golf tournament, Knollwood Country Club.
- Aug. 21: Cincinnati Variety Club golf tournament, Summit Hills Country Club.
- Aug. 22-24: National Sign Association convention, Stevens Hotel, Chicago.
- Sept. 1-15: International Film Festival, Cannes, France.
- Sept. 6-8: Allied Theater Owners of New Jersey convention, Ritz-Carlton Hotel, Atlantic City.
- Sept. 14-16: Biological Photographic Association convention, Mellon Institute for Industrial Research, Pittsburgh.
- Oct. 1-7: Film industry's Golden Jubilee.
- Oct. 15: Pittsburgh Variety Club banquet, William Penn Hotel.
- Oct. 16-19: SMPE Fall convention, Hotel Pennsylvania.
- Oct. 23-24: MPTO of Western Pennsylvania convention.
- Oct. 23-24: HPTO of Western Pennsylvania convention, William Penn Hotel, Pittsburgh.
- Nov. 25: Washington Variety Club banquet, Willard Hotel.
- Nov. 29: Motion Picture Associates dinner dance, Hotel Astor.

Leichter Sets "Sudan" Rights

West Coast Bureau of THE FILM DAILY

Hollywood — Mitch Leichter has just closed the rights on the new "Sudan" picture with the Majestic Film Distributors in Los Angeles for these territories: California, Nevada, New Mexico, Arizona, Hawaiian Islands and Alaska.

Mann Replaces Twig

Pittsburgh—William Twig has resigned as head booker at the local RKO exchange and has been replaced by Melvin Mann, who has been promoted from the shipping department. Earl Friedman succeeds Mann as shipper.

3 Pix for Tele

Three feature pix are set for NBC telecasts next week. French production, "Generals Without Buttons" (English sub-titles) is set for 8:30 p.m. Tuesday, "Edge of the World" for the same hour Thursday and "My Heart is Calling" for the same time Friday.

**"Samuel Goldwyn's
THEY SHALL HAVE MUSIC!"**

was
FORCE

—says Ex-police Commissioner
EDWARD P. MULROONEY



"To have made a picture with the extraordinary **FORCE** of this one and still star Heifetz is an amazing achievement. It's an amazing picture and a very important one."

Edward P. Mulrooney

SAMUEL GOLDWYN *presents*

Jascha **HEIFETZ**
in
**THEY SHALL HAVE
MUSIC!**

with ANDREA LEEDS • JOEL M'CREA
GENE REYNOLDS • WALTER BRENNAN

Directed by ARCHIE MAYO
Released thru UNITED ARTISTS

END OF JAP TREATY MENACES FILM MARKET

(Continued from Page 1)

that the treaty would expire the latter part of January, 1940, it was agreed generally that should the breach between the U. S. and Japan

Tokyo (By Cable)—The Foreign Office declared yesterday that if the U. S. desires to negotiate a new commercial treaty it must do so "in conformity" with Japan's program for a "new order" in China. American film distributors here expressed view that this declaration clearly indicates that Japan intends to control the destinies of U. S. pictures not only in its empire, but also in China.

remain unhealed during even the next few months of 1939, and no move were made by the two countries to effectuate a new treaty, American films interests would cease doing business in the Japanese Empire.

Well-informed film sources, conversant with the Japanese attitude, told THE FILM DAILY that while Tokyo dispatches quoted spokesmen there as asserting that the abrogation of the treaty by the U. S. was "unthinkable," it is also "equally unthinkable that Japan will not take retaliatory measures," and predicted that the commodity most likely to be seized upon for dramatic retaliation would be American films.

It is pointed out that this could be done even within the framework of the denounced pact, at any time before its expiration, since there would be nothing to prevent Japan's officialdom from invoking quota or other regulatory provisions which would hit U. S. films hard, without particular hardship to other favored nations. This is because, it is asserted, American pictures are numerically dominant in Japan, compared to those of other foreign nations.

Further, it is cited, the current status of U. S. films entering Japan is that they do so under a mutual tacit "agreement," but not a pact which is legally binding. The only protection which U. S. product now has officially is under the broad provisions of Article 5 of the denounced treaty which states in part:

"Neither contracting party shall impose any other or higher duties or charges on the exportation of any article to the territories of the other than are or may be payable on the exportation of the like article to any other foreign country . . . Nor shall any prohibition be imposed by either country on the importation or exportation of any article from or to the territories of the other which shall not equally extend to the like article imported from or exported to any other country . . ."

Some high sources along Film Row asserted yesterday that the treaty denunciation was merely an international political move designed to blast Japan into the realization that the U. S. intends at all odds to retain "face" in the Orient. Others saw in the action an attempt by the

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twenty-fifth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 25

(6) **Waiver of Oral Hearing:** The parties to a dispute may, by written agreement filed with the Secretary, waive oral hearings.

Written Claim: Where the oral hearings have been waived, the complaining party must file with the Secretary, a sworn statement of his claim supported by material and relevant evidence and by written argument, together with copies for each of the parties complained against. The evidence may include excerpts or statements from books of account or other records and documents.

Sending Claim to Defendants: Where the oral hearings have been waived, the Secretary must send personally or by registered mail, a copy of the sworn complaint to each party complained against.

Answering Written Claim: Each party complained against may file an answer within seven days after receipt of the claim. The answer must be sworn to and similarly supported by evidence. Copies must be supplied for each other party to the dispute. The Secretary shall deliver such answers personally or by registered mail, to the other parties in the dispute.

Filing Reply: Wherever an answer is made, the other party may, within five days after receipt of such answer, file with the Secretary, a sworn reply statement, similarly supported by evidence. Copies must be supplied for the other parties.

Submission of Case: The entire record shall be submitted by the Secretary to the Arbitration Board as follows:

(a) If an answer has been served, the record shall be submitted at the end of the five days permitted for reply,

(b) If no answer has been served, the record shall be submitted at the end of the seven days permitted for answer.

(Twenty-sixth installment will appear in an early issue.)

No Opposition Develops to FMPC Reorganization

Federal Judge William Bondy yesterday reserved decision on an application to confirm the plan of reorganization of the French Motion Picture Corp. Proposed plan includes among its provisions, a 15 per cent cash payment to general creditors of the company.

In view of the fact that no opposition to the plan was raised, Judge Bondy stated confirmation would follow if the plan conformed to the Bankruptcy Law.

Select vs Warners Suit Going to Trial on Nov. 1

Federal Judge John C. Knox yesterday ordered trial of the suit of Select Theaters Corp. against Warner Bros. Pictures, Inc., for Nov. 1. Action claims plagiarism of the plaintiffs' play "The Audition" in Warners' film "Ready, Willing and Able," and demands an injunction and an accounting of the profits.

U. S. to reinforce Britain's position in the current Tokyo talks over the Tientsin dispute, but admitted that the step will make it "much tougher" for U. S. film companies in Japan.

540 Pix, Japan's Output

Tokyo (By Cable)—Despite war operations in China, during the past 12 months 540 pictures, including features and shorts, have been produced in Japan. None of these were color films, but it is reported that the Japanese are conducting researches in this field.

Maida Reade Named Exec. Secretary of New AGVA

The appointment of Maida Reade as executive secretary of the newly chartered American Guild of Variety Artists union was made yesterday by the executive council of the new organization. The council is comprised of the presidents and executives of the affiliated AAAA unions, pending the election of officers by the AGVA membership.

Organization work is being pushed by the new union and applications for membership were reported last night to be swamping the office. No new move has been made by either side in the last day in the inter-union dispute and no indication has been forthcoming from the IATSE office that any charter will be granted to the AFA.

It was believed yesterday that no action will be taken on this request by the AFA until the whole matter is thrashed out at the executive council meeting of the A F of L Aug. 7 in Atlantic City.

Gus Sun to Entertain

Springfield, O.—Theater managers from Ohio, Indiana, Pennsylvania, Kentucky, West Virginia and Michigan will gather at the Van Dyck Club, Mechanicsburg Aug. 27, for the annual get-together and steak fry, as guests of Gus Sun, president of the Gus Sun Booking Agency here. Sun, will as usual, have personal charge of the dinner. Remainder of the day, with the exception of a brief session, will be given over to fishing on the club lake, card playing and other recreation.

ILLINOIS ANTI-DUALS LEGISLATION KILLS

(Continued from Page 1)

absence of competent scientific proof to the contrary, there is no cause to believe public health will be adversely affected by motion picture exhibits of more than two hours and 15 minutes in length."

Text of the bill follows:

It shall be unlawful for any exhibitor to present or cause to be presented a performance consisting of the exhibition of one or more single motion picture films for a longer period than two hours and 15 minutes.

"Any exhibitor who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof fined not less than one hundred dollars (\$100) or more than five hundred (\$500), or be imprisoned in the county jail for not more than six months, or both, in the discretion of the court."

Sponsored by Rep. Elroy Sandquist, the bill had the support of the Powerful Parent-Teachers Association and women's organization. As late as Wednesday, proponent had expressed assurance that the Governor would sign the bill, pass in the closing hours of the legislative session.

The Sandquist legislation in Illinois had stirred wide industry interest because of the possible precedent for legal restrictions on length film bills. Had the measure become law and been subsequently upheld by the courts, it was pointed out there was nothing to prevent a state from setting any time limit as a maximum.

Alliance N. Y. Exchange Completes Organization

(Continued from Page 1)

ger, Julius Levine will handle Brooklyn and Long Island sales, Ben Rapaport will cover New York City and Sidney Hess will have the New Jersey and upstate New York assignments.

In addition to managing the exchange, Greenblatt will aid Bud Rogers, Alliance vice-president and general manager, in arranging for first runs and circuit deals on the new Alliance product which consists of 12 features and a variety of novelties and short subjects.

Capitol Reports France About to End Pix Visa

(Continued from Page 1)

the French government to abolish its visa system might be put through momentarily. In the event that such action is undertaken it would mean the virtual end of the quota law in that country, and it would be the first country to abolish its quota laws.

DEFENSE WINS TIME IN OKLA. TRUST SUITS

(Continued from Page 1)

also granted the Government its answering memorandum and an additional five days following that grant to defendants for further short reply.

Judge Vaught intimidated, off the record, that he believed all preliminary matters could be disposed of Oct. 1. He will give a decision on the current motions after his return from his vacation in September.

Government attorneys pointed to the long delays in the New York case in asking that preliminary suits be cleared up now and the cases joined—it was following this argument that Judge Vaught intimated he would do everything possible to have the case ready for trial in October.

Boston Monopoly Actions Recessed Until Sept. 11

Boston—Morse & Rothenberg monopoly suit has been recessed until Sept. 11. This marks the first major adjournment in the \$2,100,000 litigation and its Allied A and Amusement Co. \$100,000 suit, since hearings before Philip Henrich, U. S. District Court Master, started in December of last year. Louis Simon, New York and New Jersey manager for M & R circuit, was on stand when hearing called.

El-Pic Syndicate Will Do Film Brokerage Biz

Albany—Charter to conduct a film brokerage business has been granted the Tel-Pic Syndicate, Inc., with capital stock of 100 shares, no par value, according to the Secretary of State's office. Subscribers are George Greenberg, Fay Solowitz and Lillian Shauben. Counsel is Benjamin F. Basset.

Other charters issued: Elite Productions, Inc., motion picture production, 200 shares, no par value. Subscribers are Albert Mitelman, Sylvia J. Levitan and Barbara Gary, with N. W. Arnheim, counsel.

Marathon Motion Picture Corp., deal in motion pictures, capital stock 20,000, shares \$1 each. Subscribers are Ivan Pochna (the counsel for the firm), Dean Pochna and Benjamin F. Basset.

Ship Ahoy!

Milford, Conn. — Jules Livingston, Adolph Haas and Harry Green of Alexander Film Co. will entertain members of Connecticut MPTO at an all-day yacht cruise leaving 9:45 a.m. next Wednesday from the Milford Yacht Club. The same trip has also been planned for next Thursday, when Allied Theaters of Connecticut members will be the guests.

World's Fair Continues to Copy Films with "Name" Orks. as Week-end Feature

With cut rate tickets already in effect and giveaways in the offing, the New York World's Fair will further adapt its exhibition tactics by introducing big-name bands as featured week-end attractions. Orks, such as Guy Lombardo, Bob Crosby, Ben Bernie and Tommy Dorsey, would play at one of the picnic grounds on Fountain Lake in the amusement area.

Hear Particulars Motion in Folly Suit Tuesday

(Continued from Page 1)

Monogram Distributing Corp., Republic Pictures Corp., and Randforce Amusement Corp. for a bill of particulars in the \$750,000 anti-trust suit of Folly Amusement Holding Corp. will be heard on Aug. 1, according to a notice filed in the Federal Court yesterday.

The plaintiff, former operator of the Folly Theater, Brooklyn, charges monopoly as a result of which it was compelled to give up its theater.

"Nazi Spy" Cleaning Up In Both London, Paris

London (By Cable)—"Confessions of a Nazi Spy" finished its first five weeks' run to biz topping the previous record-holder, "Robin Hood," by 70 per cent. Feature is now in its sixth week, with at least two more weeks of playing time definitely set.

Paris (By Cable)—"Confessions of a Nazi Spy" is reported doing sensational business here where it is in its third week at three theaters simultaneously.

Phil Reisman Sails Today For S. A. Sales Conclaves

Phil Reisman, RKO's foreign department head, is scheduled to sail today on the Argentina for Rio de Janeiro where he will attend his first South American convention of sales managers, branch managers and bookers on Aug. 18. The personnel of 10 Brazilian offices will be on hand.

Another sales conference is slated for Aug. 31 in Buenos Aires. Nat Liebeskind, general South American manager, will be chairman of the latter conference which also will be attended by Reisman.

Hayward-McCormick and Selznick Office Merger

Plans are being discussed by the Myron Selznick and Hayward-McCormick agencies for a physical merger of their New York offices to effect a savings in operating costs, it was learned this week. It is reported that the New York Selznick office will be closed and a revamped staff will move into the Hayward-McCormick office. However, the California offices will be unaffected by the move and all clients will be handled separately by the representatives of the two companies.

Briefs in Mori Action to be Filed by Sept 1

(Continued from Page 1)

al, for a temporary injunction in their monopoly suit against Warner Bros. and affiliates, and majors closed yesterday with further affidavits to be submitted by Aug. 14, and briefs by Sept. 1.

Testifying yesterday were ex-changemen Bob Lynch, M-G-M; Harry Bodkin, United Artists; Earle Sweigert, Paramount; Harry Weimer, Columbia; George Schwartz, Universal; William Mansell, Warners; Frank McNamee, RKO and Ted Schlanger, Stanley-Warner zone chief.

Harry Shapiro, attorney for the plaintiffs, attempted to show through similar examination in each case that Warners had first crack at practically all pictures and that the Landis could not buy without Warners first rejecting. A group of accountants will be appointed to go over the books of the Landis which were subpoenaed Wednesday night to see what the official status of the theater is. Eighty exhibits were introduced.

Court room gossip seemed to indicate that regardless of whether or not the temporary injunction is granted, the plaintiff has secured through this procedure introduction of valuable evidence which can be used by him when the suit comes up.

Court Grants Particulars Bill In Tarkington Suit

A counter-claim for \$18,750 interposed by Warner Bros. Pictures, Inc., in the suit brought by Booth Tarkington was upheld as legally sufficient by Federal Judge William Bondy yesterday.

Judge Bondy in his decision granted an application of Tarkington for a bill of particulars of the Warner Bros.' answer.

Tarkington is asking for an injunction, accounting and damages, claiming that Warners produced a film "Penrod and his Twin Brother" in violation of a contract, and wrongfully appropriated characters from Penrod stories for the picture.

Counter-claim charges Tarkington with the sale of motion picture rights to Penrod stories after copyright had expired.

To Test Alice Marble

Alice Marble, the tennis champ, will make some screen tests on the Coast in September. She said yesterday that her agent, Frank Orsatti, was negotiating deals with 20th Century-Fox and M-G-M.

D OF J PLANNING MORE TRUST SUITS

(Continued from Page 1)

picture industry?", Murphy replied "yes." He said he could not specify, however, on further questions. The new cases are "coming to a head very soon," Murphy said.

A conference last Tuesday was held between Joseph M. Schenck, chairman of the board of Twentieth Century-Fox and Justice Department officials, Murphy said in discussing the present investigation in Los Angeles. Murphy described the many cases in Los Angeles as "confusing."

The tax cases and the anti-trust cases will probably be presented to the Grand Jury at the same time, the Attorney General said. Queried on the report that the Justice Department suit against Ascap would be renewed next Fall, Murphy said, "I don't know." He said he had not heard of any such move.

French Embassy to File Protest on Pix Banning

An official protest on recent banning here of the feature "Harvest" will, according to the French Cinema Center, Inc., be filed "within the next two days" with Irwin Esmond, director of the N. Y. State Censor Board, by the French Embassy. French Cinema Center, distributors of the picture in the U. S., also asserted through a spokesman, that its own appeal on the banning will be submitted to the board on Monday.

McBride Rites Today

Pittsburgh—Frank M. McBride, who for many years operated the McBride Theater in Trafford City, Pa., died in Columbia Hospital, Wilkensburg, Monday. Funeral services will be held from St. Regis Church, Trafford City, this morning, and interment will be made in St. Joseph's Cemetery, East McKeesport, Pa.

TMAT Hearing Continued

Hearings in the Rugoff & Becker-TMAT case were continued yesterday before the State Labor Relations Board trial commissioner, with William Price, a supervisor for the theater circuit, occupying the witness stand throughout the day. Theater managers are expected to start testifying today, but little hope is held that the hearings can be ended before late next week.

Nazis Launch Tele

Berlin (By Cable)—With the opening today of the annual German Radio and Television Exposition, the Nazi government will introduce commercial television. Orders for an initial output of 10,000 sets to sell at 650 marks will be taken and Germany's single operating tele station will telecast afternoon and evening programs. Rapid station expansion is planned; coaxial cables will be used to link them.

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THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 20 NEW YORK, MONDAY, JULY 31, 1939 TEN CENTS

Move to Reopen Italian Market to American Distribs. COURT SETS "LYNTON" AWARD AT ONE-FIFTH OF NET Para.'s Entire 1939-40 Program Ready by End of Year

THE WEEK IN REVIEW
Schaefer Heads RKO
By GEORGE H. MORRIS

DOMESTIC
RKO REORG.: At a meeting of RKO's directors at midweek, first session to be held in several years due to legalistic phases attendant upon reorganization, George Schaefer and Richard C. Patterson were named president and board chairman, respectively, of the company. New financing for RKO will be set at about the same time reorg. plan becomes effective, which will be in about three months, Patterson stated, adding that company reality is out of the courts now.

TRADE PRACTICES: Assurance was given by William F. Rodgers, distributors' spokesman, to Ed Kuykenall, MPTOA prexy, in a conference on Tuesday that the further revamped Trade Practice Code, including revisions of the arbitration provisions, will be ready Aug. 9 when complete draft will be submitted to Southeastern Exhibitors Assn. meeting in Atlanta. At week's outset, Col. H. A. Cole, Alled prexy, declared Code a dead issue, and that his group is indifferent to arbitration changes. However, Thursday brought report that New York Allied may sign the code.

EQUITY ACTION: Application of D of J for order setting down the equity suit against the majors for trial on Nov. 1 was adjourned on Tuesday, by consent of all parties until tomorrow. Huddle is slated for today between Special Assistant Attorney General Paul Williams and defendants' counsel. No date agreement. . . Washington reported confirmation by Attorney General Frank Murphy there is fact that the film industry is

Four 1940-41 Pix Also to be Finished by Jan. 1, Says Balaban

Niagara Falls, Ont.—Studio schedules of Paramount indicate that by the end of the year, the company will have completed all but one of the pix on the 1939-40 program and additionally will have completed shooting four 1940-41 productions, according to Barney Balaban, prexy, here last week for the Famous Players Canadian Corp. Dominion-wide convention.



BARNEY BALABAN

Balaban declared that the studio

SEPARATE PIX PACT SEEN AS JAP. HOPE

Only hope of U. S. distributors to retain its Japanese market, in the event that the American-Japanese trade treaty is scrapped, will

Pettijohn Will Undertake Preliminary Efforts to Reopen Italian Pix Market

LeRoy Drops Production Duties and Will Direct

Hollywood—Mervyn LeRoy, at his own request, has been relieved of his responsibilities as an executive

GAMES BACK IN 30 SPOTS
Non-theatrical Prize Nights
Force N. Y. Restoration

Games and giveaways, which were dropped in approximately 30 New York City theaters about three weeks ago, are being reinstated because of competition by assembly halls and churches. The games elimination had been effective on the East Side between 34th and 59th Sts. and on

SCHINE CONVENTION CALLS INDUSTRY TOPS

Gloversville, N. Y.—Main Street began to take on a Broadway aspect today as industry execs. started to

"Four Feathers" to Open At N. Y. Capitol Friday

Alexander Korda's "Four Feathers" opens at the New York Capitol on Friday as a result of a history-

Adjusted Amount Not Expected to Vary Much From the Original Award

U. S. Circuit Court of Appeals in an important decision handed down on Friday ruled that Edward Sheldon and Margaret Ayer Barnes, in their action against Loew's, Inc., Metro - Goldwyn - Mayer Pictures Corp., Metro - Goldwyn - Mayer Distributing Corp., and Culver Export Corp. charging plagiarism of their play, "Dishonored Lady," in the picture "Letty Lynton," are entitled to

RKO MAY NOT NAME BERMAN SUCCESSOR

Hollywood—No new production head may be named to succeed Pandro S. Berman, RKO production

Revised Code to be Ready This Week, Rodgers States

Details regarding the revision of the trade practice code will be ready for announcement about the middle

"The Old Maid"
Hollywood—In this picturization of Zoe Akins' Pulitzer Prize play, Bette Davis gives another distinguished performance, endowing her role of the sacrificing mother with artistry. Miriam Hopkins is fine as her cousin and rival, while other splendid performances are contributed by George Brent, Jane Bryan, Donald Crisp, Louise Fazenda, Jerome Cowan, Cecilia Loftus, William Lundigan and James Stephenson. Picture will have a special appeal to femme fans, and Edmund Goulding has done a masterly job with his warm, sympathetic direction. To Henry Blanke goes generous credit as associate producer. Casey Robinson supplied a splendid screenplay while Tony Gaudio's photography is of the best.

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat				
Col. Picts. vtc. (2 1/2%)				
Col. Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11 7/8	11 3/4	11 7/8	
East. Kodak	171 1/2	170 1/4	171 1/2	+ 1/2
do pfd.	173	173	173	
Gen. Th. Eq.				
Loew's, Inc.	46 3/4	46 1/4	46 1/2	- 1/4
do pfd.				
Paramount	10 1/8	9 7/8	9 7/8	- 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10 3/4	10 3/4	10 3/4	- 3/8
Pathe Film	12 1/2	11 7/8	12 3/8	- 1/8
RKO	2 1/8	2	2	- 1/8
20th Cent.-Fox	20 3/4	20 3/4	20 3/4	
20th Cent.-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	5 3/8	5 1/4	5 1/4	- 1/8
do pfd.	57	55 5/8	57	+ 2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100	100	- 1/8
Loew's deb. 3 1/2s46	103 1/4	103 1/8	103 1/4 + 1/8
Par. B'way 3s55			
Par. Picts. 6s55			
Par. Picts. cv. 3 1/4s47	90 3/4	90 3/4	90 3/4 + 1/4
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48	90 1/4	90 1/8	90 1/8 - 1/8

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.			
Technicolor	16 3/8	15 7/8	16 - 3/8
Trans-Lux			
Universal Corp. vtc.	4	4	4
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

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SECURITY

The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—12th week	Astor
Andy Hardy Gets Spring Fever (Metro-Goldwyn-Mayer)—2nd week	Capitol
The Magnificent Fraud (Paramount)—2nd week	Paramount
Each Dawn I Die (Warner Bros. Pictures)—2nd week	Strand
The Ware Case (20th Century-Fox)—2nd week	Little Carnegie
Hidden Power (Columbia Pictures)	Rialto
Frontier Marshal (20th Century-Fox)	Roxy
They Shall Have Music (United Artists-Goldwyn)	Rivoli
Winter Carnival (United Artists-Wanger)	Music Hall
Mr. Wong in Chinatown (Monogram)	Globe
Wyoming Outlaw (Republic Pictures) (a)	Central
Wings Over Africa (Merit Pictures) (a)	Central
Of Human Bondage (RKO Radio) (d)	Criterion
Bachelor Mother (RKO Radio) (a-b)	Palace
Career (RKO Radio) (a)	Palace

FOREIGN LANGUAGE FEATURES

Lenin in 1918 (Amkino)—6th week	Cameo
Pearls of the Crown (Lenauer) (a-b)	World
Mayerling (Pax Films) (a-b)	World

FUTURE OPENINGS

Mutiny on the Black Hawk (Universal)—August 1	Rialto
Beau Geste (Paramount Pictures)—August 2	Paramount
They All Come Out (Metro-Goldwyn-Mayer)—August 2	Criterion
Miracles for Sale (Metro-Goldwyn-Mayer)—August 3	Capitol
In Name Only (RKO Radio)—August 3	Music Hall
Second Fiddle (20th Century-Fox) (a-b)—August 3	Palace
The Forgotten Woman (Universal Pictures) (a)—August 3	Palace
Southward Ho (Republic) (a)—August 4	Central
Port of Hate (Times) (a)—August 4	Central
Stanley and Livingstone (20th Century-Fox)—August 4	Roxy
The Old Maid (Warner Bros. Pictures)—August 11	Strand

(a) Dual bill. (b) Subsequent run. (c) Follows current bill. (d) Revival.

T. E. Shea Succeeds Knox as Erpi Vice-President

T. E. Shea has been elected vice-president of Erpi, effective Aug. 7, to succeed T. G. Knox who resigned July 15 due to ill health, it was announced at the week-end. Election took place at a special meeting of the Erpi board of directors Friday afternoon.

Shea will become director of engineering and will have charge of all technical activities for the company both in New York and Hollywood upon assuming his new post. He was formerly with the Bell Telephone Laboratories. A graduate of M.I.T., he first joined Western Electric before his association with Bell.

Fixing of Equity Action Trial Date Is Delayed

Huddles, held Friday between Special Assistant Attorney General Paul Williams and defendant major companies' counsel to fix date for trial in the equity action, proved ineffective but will be resumed on Thursday when Federal Judge John C. Knox will assist in trial date determination. Motion for a preference made by the Government and scheduled for hearing tomorrow, will be put over to Thursday.

Lykens Valley Exhibitors Organize Under Lew Pizor

Philadelphia—Lykens Valley exhibs. have organized with Lewen Pizor, prexy of the UMPTO, as chairman. Group takes in exhibs. in towns between Pottsville and Harrisburg, and plans to meet twice monthly. Session will be held at Tremont tomorrow with UMPTO execs. attending.

Levy Ends First Swing of Kent Sales Campaign

First sales swing by the 20th-Fox Kent Drive leader this year was concluded Friday with a meeting at the New York exchange. M. A. Levy, Drive leader, and Roger Ferri, editor of the company house organ, Dynamo, visited all the company's U. S. and Canadian branch offices on their seven-week trip.

Herman Wobber, William J. Clark, Walter J. Hutchinson, Charles E. McCarthy, Levy and Ferri, William Sussman, William Gehring, H. H. Buxbaum, Joe Lee and Felix Jenkins, spoke at the huddle.

Will Distribute 19,000 Golden Jubilee Manuals

Nineteen thousand copies of the Golden Jubilee campaign manual have been ordered by the committee and will be mailed to exhibitors within a week or 10 days. The manual, which contains 24 pages, covers suggestions for participation in the observance of the industry's half-century of progress.

Mex. Exhibs. May Play Native Pix for 12 Weeks

Mexico City—Enactment of legislation which will compel all Mexican exhibs. to set aside 12 complete weeks each year for the exhibition of domestic films impends, it is reported. Measure is designed to remedy the present situation which finds 35 native pix unreleased and production stymied.

Defer Organizing in Chi.

Chicago—Local Operators union is deferring an organizing campaign among ushers, doormen and cashiers.

COMING AND GOING

M. A. LEVY, leader of the seventh 20th-Fox annual Kent Drive, and ROGER FERRI editor of the company's house organ, Dynamo, have returned to New York from a seven week swing around the country.

J. H. HOFFBERG leaves New York Aug. 1 for an extended trip throughout the country to visit key cities where he distributes film through affiliates.

BARRET McCORMICK, ad. and pub. lect. for RKO, flew to the Coast Friday.

MORT BLUMENSTOCK, eastern head of ad. vertising and publicity for Warners, is expected to return to the home office today from Hollywood.

SUSAN HAYWARD, Paramount player, arrived today from the Coast.

GERTRUDE MACY, general manager for Katharine Cornell, sails for Europe Aug. 23.

MRS. AGNES FOWLER and JANE FOWLER, wife and daughter of Gene Fowler, sailed for the Champlain Saturday.

FETERS SISTERS return on the Normandy after 14 months' in England, Scotland, Ireland and France.

HERBERT WILCOX leaves Hollywood Aug. 1 for New York.

AL DAFF, Universal manager in the Far East, left Friday for Japan.

W. RAY JOHNSTON and GEORGE WEST arrived on the Normandy today from Europe.

MIKE CULLEN, Loew district manager with headquarters in Columbus, O., is in New York for conferences with J. R. Vogel.

EDDIE DOWDEN, Brooklyn publicity director for Loew's theaters, has gone to the mountains for a vacation.

WILLIE KURTZ, manager of the Rialto Theater, returns today from a vacation in Vermont.

WILLIAM MORRIS, JR. returns to New York this month from Hollywood.

JOHN EBERSON, film theater architect, returns to his office today from Cincinnati.

CHARLES BOYER sails for Europe on the Normandie.

Johnston Returns Today From London and Paris

W. Ray Johnston, Monogram president, returns today on the Normandy from a business trip to London and Paris. Conferences abroad involved distribution of 32 pictures in England through Pathe Picture Ltd., budgets and product. George West, Screeno distributor and Monogram co-franchise holder in Kansas City, accompanied Johnston abroad.



Best wishes from THE FILM DAILY to the following on their birthdays:

JULY 31

James Flood
Gilbert Golden
Robert Bennett
Fred C. Quimby

MISS AMERICA

has a new "BEAU"!

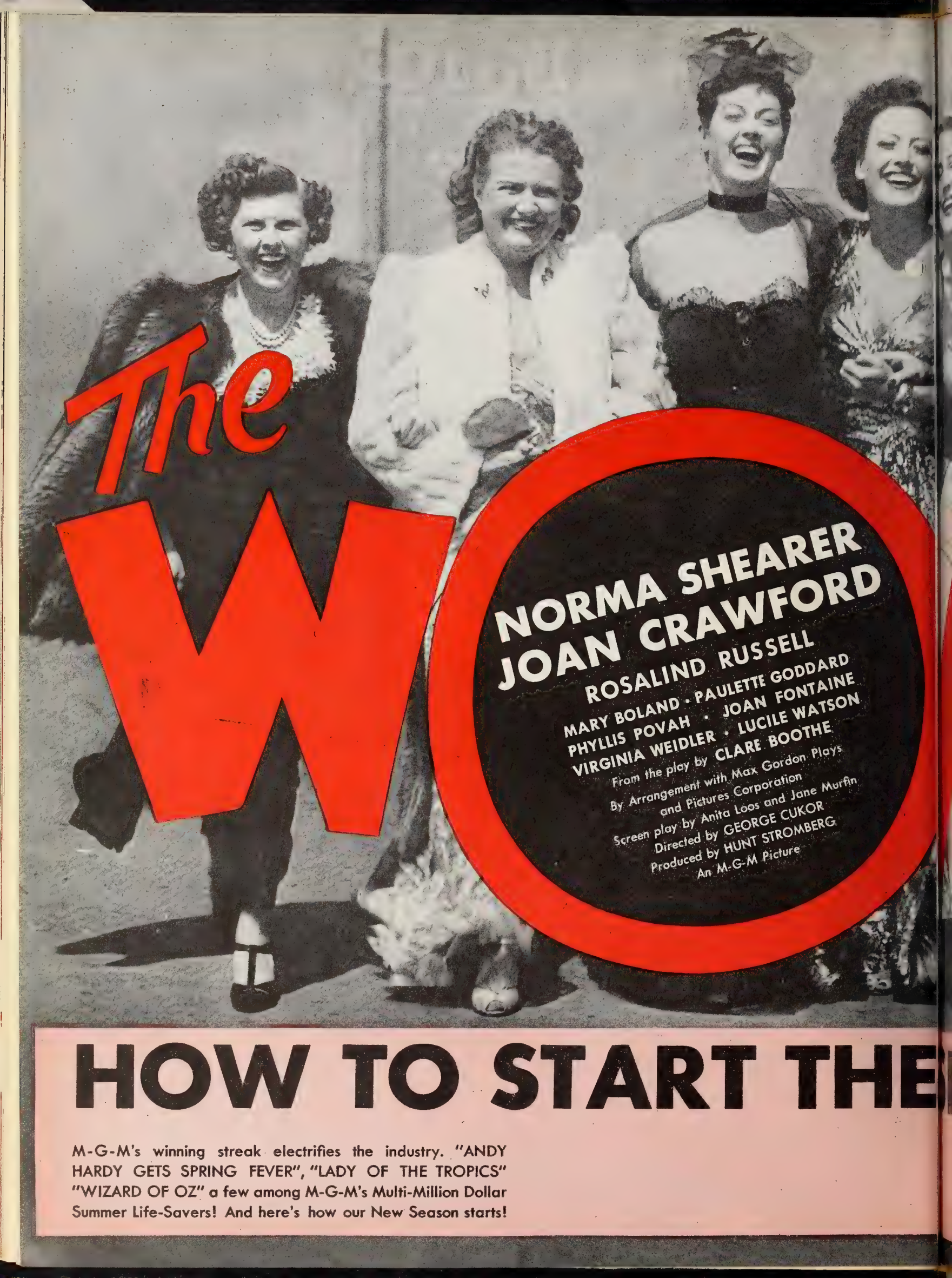


Fifteen years ago when Paramount released the silent version of Percival Wren's, "**Beau Geste**", the women of America went absolutely hysterical about the picture, which piled up never to be forgotten grosses. Now Miss America has a new "Beau" . . . Gary Cooper in Paramount's new "**Beau Geste**" . . . Already at sneak previews women are weeping, cheering, going completely haywire about the William A. Wellman production. And those who saw the old "**Beau Geste**" tell us we've surpassed our earlier triumph by miles. "A great cast". "Gary is wonderful". "Ray Milland and Bob Preston are great". "Brian Donlevy makes a perfect Sergeant Markoff". . . and there's gold in those words. "**Beau Geste**" is set to start another parade of women to the box office.

**Paramount is set to start the season with another in
Paramount's mounting succession of box office smashes.**



It's Paramount's Year!



The W

**NORMA SHEARER
JOAN CRAWFORD**

ROSALIND RUSSELL

MARY BOLAND • PAULETTE GODDARD
PHYLLIS POVAH • JOAN FONTAINE

VIRGINIA WEIDLER • LUCILE WATSON
From the play by CLARE BOOTHE

By Arrangement with Max Gordon Plays
and Pictures Corporation

Screen play by Anita Loos and Jane Murnin
Directed by GEORGE CUKOR

Produced by HUNT STROMBERG
An M-G-M Picture

HOW TO START THE

M-G-M's winning streak electrifies the industry. "ANDY HARDY GETS SPRING FEVER", "LADY OF THE TROPICS" "WIZARD OF OZ" a few among M-G-M's Multi-Million Dollar Summer Life-Savers! And here's how our New Season starts!



MEN

it's all about men!

SEASON OF 1939-40!

The opening gun from M-G-M is sensational! On September 1st comes the smash attraction "THE WOMEN", already the talk of the West Coast and just the first of a flock of New Season Hits! Friendly Company indeed!

PARA.'S '39-40 LINEUP READY BY YEAR END

(Continued from Page 1)

"has regained its old stride" and is "now functioning in a manner I did not believe possible in the short time that Y. Frank Freeman and William LeBaron have been in charge."

"Waste, unproductive and non-profitable creative and producing talent have been reduced to almost a minimum," the Para. exec. added, pointing to the number of next season's films already finished as proof of the high efficiency.

"Paramount has made rapid strides in the past four years," he said. "Its morale and financial position are at a 10-year peak. It is operated by a group of men to whom hours or days of the week mean nothing. They are as loyal and sincere a group as can be found anywhere."

"Paramount has the world's largest theater organization. It is interested in more theaters than all of the major production-exhibitor units combined. These divisions are operated by the most successful theater operators in the United States. Men who occupy the same relative positions in their territories as N. L. Nathanson holds in the Dominion. You can therefore appreciate the aggregate strength represented in Paramount's manpower and properties."

Declare RCA Dividends

Dividends of 87½ cents per share on the 1st preferred stock and \$1.25 per share on the "B" preferred stock for the period from July 1, 1939 to Sept. 30, 1939, were declared Friday by the Board of RCA. Payments will be made Sept. 30 to holders of record Sept. 8.

To Enforce Chi. Games Law

Chicago—Corporation counsel office has served notice on theater operators that infractions of the city ordinance of 1901, prohibiting lotteries, games of chance, and cash giveaways will receive court action. Col. Martin Foos, in charge of the department, said that the State Lake Jitterbug contest and Doctor IQ cases will receive further attention from city authorities.

WEDDING BELLS

Joseph Mankiewicz, M-G-M producer, and Rose Stradner, screen actress, were married in New York Friday afternoon at the home of the bridegroom's sister, Mrs. Erma Stenbuck. The bride is a Viennese by birth and made her American film debut with Edward G. Robinson in "The Last Gangster." Mankiewicz is a graduate of Columbia University and is a former newspaper man.

ALONG THE



WITH PHIL M. DALY

● ● ● THEATER men crowding into Gloversville, N. Y. today for the Schine Circuit convention.....see in the gathering the evidence of a success story as great as any in the annals of the industry.....founded in that busy little city in 1918, the Schine Enterprises now control 165 houses in five states, comprising the largest indie theater chain in the country.....

● ● ● FROM a humble beginning, when two men put \$1500 into the venture.....the corporation has become the powerful unit it is today.....its growth is due primarily to the two men who pooled their savings and went to work.....J. Myer Schine, prexy.....and Louis W. Schine, vice-prexy and General manager.....they analyzed a new business, saw its possibilities, and rolled up their sleeves.....

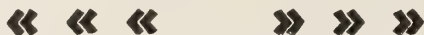
● ● ● THEIR first house was the Hippodrome, an upstairs theater that was once a roller skating rink.....soon after the purchase, Louis Schine enlisted in the U. S. Army for World War service, leaving Myer behind to run the playhouse.....because of the war, conditions were none too good in Gloversville.....but in two years the other two theaters in the town were acquired.....once under way, there was no stopping the Schine chain.....their banner house is the Auburn, only recently completed at Auburn, N. Y.....

● ● ● HOME offices of the Circuit are a beehive of activity.....covering half a city block on Main Street, the big two-story building houses the many departments of the organization.....it also includes a beautiful miniature theater where features are previewed by the home office execs.....

● ● ● CLASSY advertising in the trade press.....that 20th Century-Fox idea of ad chief Charles McCarthy.....with those beautiful original drawings of beauty-gals in color.....done by the upper crust of the nation's illustrators.....such names as Petty, Bradshaw Crandall, John La Gatta, McClelland Barclay in advertising art give tone to the entire advertising of the industry.....the production to achieve the distinction of such artistic attention is "Elsa Maxwell's Hotel for Women".....

● ● ● THOSE twelve mannikins wearing advance college fashions from Arnold Constable & Co. made quite a furore on the street ticket line.....at the premiere of Wanger's "Winter Carnival" at the Music Hall.....the mannikins were judged by a group of debbies who are the cream of this year's crop.....college fashions are timely right now.....the stunt got wire photo breaks all over the nation.....also in the metropolitan society columns and in the fashion journals.....the ballyhoo helped to attract one of the biggest openings the Hall has enjoyed in the past six months.....

● ● ● WORTHY cause....."adoption" of Spanish children through the Foster Parents Plan.....which consists of pledging so much per month for a year for the support of an orphan.....in the past year 141 employees of three film companies have "adopted" children under the plan.....108 of Warners' staff.....25 of United Artists.....and 8 of RKO.....headquarters of the Foster organization are at 55 West 42nd St.....



SEPARATE PIX PACT SEEN AS JAP. HO

(Continued from Page 1)

be the working out of a separate agreement with the Tokyo government which would exempt movies from the Japanese picture law. This opinion was expressed Friday by Al Daff, Universal's manager for the Far East. Daff is expected to return to Japan Friday for Japan.

Since the easing of the restrictions on film imports by the Japanese government, American companies have been enjoying good business, Daff said, pointing out that Universal's gross revenue in Japan this year has been the biggest in the history of the company.

A separate agreement to co-produce films might be possible inasmuch as American pictures are the most popular in Japan, Daff said. However, he could make no forecast until he returned to Tokyo or until the situation adjusts itself.

Revised Code to be Ready This Week, Rodgers Stalls

(Continued from Page 1)

of this week, W. F. Rodgers, spokesman for the distributors, said Friday. The revised code is shaping up satisfactorily, Rodgers said, adding that "we hope to give the information in a few days."

P. A. Yarn for Satevepost

West Coast Bureau of THE FILM DAILY—Hollywood—Palma Wayne, writer on the Saturday Evening Post, is expected to chronicle the exploits of film press agents, Bill Hebert, Howard Strickling, Russell Birdwell and Harry Brand.

"Zamboanga" In Balkans

AmerAnglo Corp. announces sale to National Pictures Corp. of the Philippine novelty feature, "Zamboanga," for the Balkan territory. Edwin Fadiman of National Pictures advises that a special version of each territory, in the language of the territory, will be made.

Stahl Pix Opens Aug. 11

West Coast Bureau of THE FILM DAILY—Hollywood—World premiere "When Tomorrow Comes," new Universal film produced by John Stahl, has been set for Aug. 11 at the Hollywood Pantages.

STORKS!

There's a new daughter, Joan Aronson, in the family of John A. Cassin, general press rep. of RKO Greater New York Theaters. Christening set for St. Joan of Arc Church, Jackson Heights, Aug. 13.

West Coast Bureau of THE FILM DAILY

Burbank—Dick Foran, currently playing male lead in "Lady Detective" on Warner Bros. lot, is passing out the cigars as proud father of a baby boy.

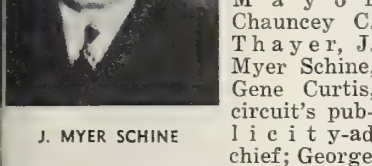
Fix Execs. to Attend Schine Meet, Opening Tomorrow

Managers From 165 Houses in Five States at Convention

(Continued from Page 1)
Five for the four-day convention of Schine Enterprises, Inc., which, opening tomorrow, will be attended by theater managers and associate personnel from 165 houses in five states.

Convention sessions will be held at the Community Center, with Harold F. Sliter presiding as general chairman.

Tomorrow's opening meeting will have as speakers Mayor Chauncey C. Thayer, J. Myer Schine, Gene Curtis, circuit's publicity-ad chief; George



J. MYER SCHINE

nch, chief film buyer, and Louis Goldstein, head booker.

Tomorrow's afternoon session calls for talks by Maj. Louis Lazar, Ohio-entucky zone manager, "What Is a Theater Manager?" William J. Tubert, "Analyzing Your Territory"; Kent Young, "Does Good Housekeeping Sell Seats?" Doug Leishman, "Manpower"; Jim Levine, "Proper Handling of Your Patrons"; "Greater Turnover"; Frank Boucher, "Your Show Windows"; Bud Silberman, "Local Promotions and Veaways"; Marsh Gollner, "Dressing a Stage"; Jerry Fowler, "The Role of an Organized Theater Aff"; Lew Hensler, "Your Theater's Place in the Community"; Billie, "Intelligently Analyzing Your Business"; Lou Levitch, "Proper Presentation of Theater Games"; Harry Goldsmith, "Children—Patrons of Today and Tomorrow."

A dinner for the managers will be served at the Hotel Johnstown, in nearby Johnstown tomorrow night. Charles Coburn, director of the Mowk Drama Festival at Union College, Schenectady, is scheduled to be the speaker. With Coburn as guests are expected Sally Eilers and an Muir, both of whom are appearing in Festival plays.

Wednesday, second day of the convention, addresses will be given by New York executives and advertising managers of Republic, RKO, Columbia, United Artists, Warners, the Century-Fox, Universal, Metro and Paramount. The Wednesday sessions will be climaxed by a dinner at the Adirondack Inn, Sacandaga Park.

This will be attended by a large New York exec. delegation whose members will arrive in the early evening from the metropolis by special car.

Thursday is to be the convention's play day," with the annual Schine

(Continued on Page 10)

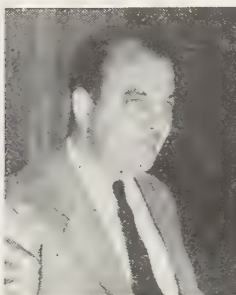
In the Saddle as Schine Managers Stage Roundup



LOUIS W. SCHINE



JOHN A. MAY



HAROLD F. SLITER



GEORGE V. LYNCH



E. DOUGLAS LEISHMAN

Schine Enterprises convention, opening tomorrow in Gloversville, will bring to the up-state city the circuit's managerial manpower from five states. Looming prominently on the program are the execs. pictured here. L. W. Schine is vice-president and general manager; May, comptroller; Sliter, executive aide to L. W. Schine; Lynch, chief film buyer, and Leishman, director of personnel.

★ Shining with the Schines ★

By JACK BRADY

GLOVERSVILLE
HEADED by J. Myer Schine as president and Louis W. Schine as vice-president and general manager, the Schine organization has a personnel that clicks like a well-trained regiment. One of the most efficient, and at the same time most jovial of the staff is John A. May, former banker, who came with the company in 1925 as comptroller. In charge of finances, he has shown marked ability.

Miss Florence Thompson, smiling and gracious office manager, is an early Schine employee. She has a marked faculty for organization and administration.

Chief Film Buyer George V. Lynch is the "Peter Pan" of the force, in that George, outwardly at least, "never seems to grow up." His slim figure and dark hair belie both his years and his responsibilities. He has been with the Schines since he was a youth, and delights to tell how Louis Schine made him janitor of the old Hippodrome, so "I wouldn't have to sneak my way in, but could see the show honestly." This friendship between employer and employee, which began in those early days, has grown steadily. A keen sense of what brings the coins in at the box-office and a reputation for thorough and fair dealing has made George an industry favorite.

Louis Goldstein, chief booker, is the quiet, winning type of executive, who never raises his voice and always has a smile for the most trying of situations. He is assisted by William Kraemer, Joel Golden Harry Thompson (recently a bridegroom, by the way), Seth Field and Harold Graves.

Harold F. Sliter, executive assistant to Louis W. Schine in charge of theater operations, is the "go-getting" personality around the home office. Called "Snappy" by his close friends, he is a great favorite with newspapermen. Well-versed in the essentials of theater operation, he was with Paramount-Public and later assistant to Charles Cabellera with the Fox and Skouras organizations.

Gene Curtis heads the publicity and advertising department, keeping the theaters supplied with the latest in sales campaigns bulletins, editing the house organ, preparing ads and trailers and answering the numerous inquiries of FILM DAILY's correspondent. He is a graduate of Stanford, a former teacher of advertising methods, and top man in several award competitions.

Guy Selmser, efficient and quiet, is in charge of construction and maintenance. He has been with the company since 1923. Assisting him is J. Dewey Lederer, graduate of Yale School of Engineering.

Frank M. Boucher is one of the newest Schine executives, only recently being promoted from his post as manager of the Glove theater here to home office representative in the Maryland division. "Tall, dark and handsome," with traces of Southern accent (for which he begs nobody's pardon), Frank, formerly with Warner Brothers and of long experience in the theater in the South, has made an enviable record since his advent with the Schines.

E. Douglas Leishman, handsome Scot, heads the personnel and expense control department. With

(Continued on Page 10)

MGRS. ASSEMBLING FOR SCHINE MEET

Gloversville, N. Y.—Assembling here for the four-day Schine convention, opening tomorrow, are the following zone, district, city and house managers:

Louis Lazar, Ohio Zone Manager; Clinton C. Young, Western N. Y. Zone Manager; Lew Hensler, District Manager, Kentucky; Marsh Gollner, District Manager, Maryland; James Levine, District Manager, Ohio; Bud Silverman, District Manager, Ohio; William Heiss, District Manager, Kentucky; William J. Tubbert, District Manager, New York; Frank M. Boucher, District Manager, New York; Harry Goldsmith, District Manager, New York; Gerald Fowler, District Manager, New York.

Louis Levitch, City Manager, Rochester, N. Y.; Gus Lampe, City Manager RKO-Schine Theaters, Syracuse, N. Y.

NEW YORK—Garson Jaffa, Avon; Herman Addison, Olympic, Watertown; Frank Lupien, Strand, Carthage; Frank Meehan, Malone, Malone; Abe Cohen, Massena, Massena; Jacob Weber, Strand, Ogdensburg; Tony Anderson, Pontiac, Saranac Lake; Leon Elliott, State, Tupper Lake; Walter Powers, Strand, Oswego.

NEW YORK—F. K. O'Kelly, Rialto, Arnold Rittenberg, Strand, Amsterdam; Herbert Levy, Empire, Milt Schosberg, Rialto, Glens Falls; Lou Hart, Hippodrome, Gloversville; Sam Shafer, Liberty, Herkimer; Ted Conklin, Strand, Hudson Falls; Hy Gordon, Capitol, Iliion; Nick Kauffman, Rialto, Little Falls.

MARYLAND—Bryan Dashiell, Arcade, Cambridge; Charles Howard, Avalon, Easton; Harold Koren, Federal, Federalburg; Herbert Brown, Arcade, Herman Kopf, Wicomico, Salisbury.

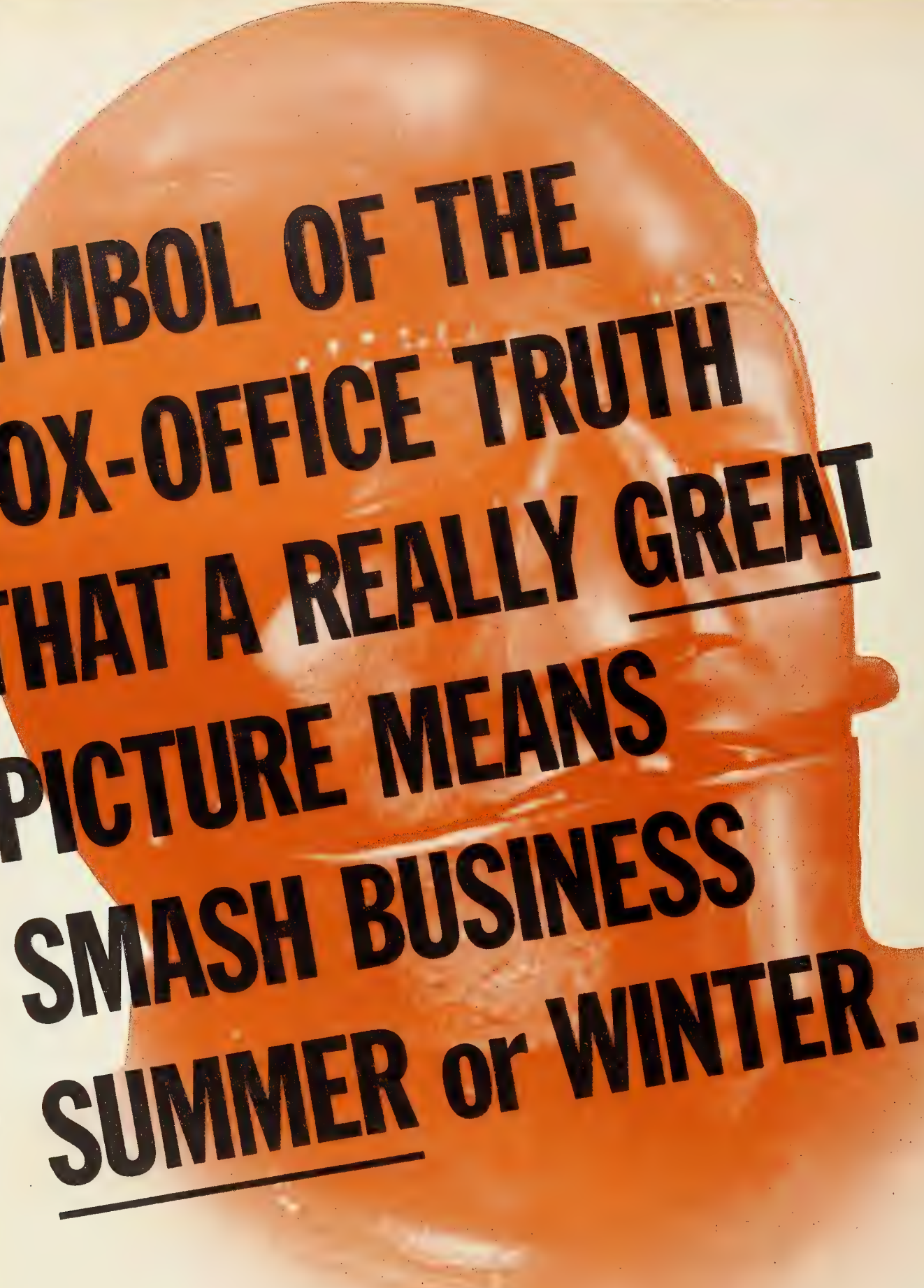
DELAWARE—Floyd Shear, Waller, Laurel; Edward Evans, Plaza, Milford.

NEW YORK—Francis Lattin, Temple Cortland; Paul Ketchum, State, Hamilton; Francis Gere, Colonia, Norwich; Tom Whalen, Palace, Harry Rose, Oneonta, Oneonta; George Cameron, Geneva, A. Glenn Rogers, Regent, Geneva.

NEW YORK—Raphael Ferrigno, Grand; Wallace Folkins, Liberty; Sol Shafer, Liberty; Dave Freeman, State; Dave Goodman, Cameo; John Tucker, Monroe; Lee Stern, West End; R. J. Baker, Dixie; William Shirley, Madison, Rochester; Harold Raives, Granada; Harry Yette, Riverside, Buffalo; Seymour Morris, Palace; Ronald Failes, Rialto, Lockport; Carl Dickerson, Andrews, Salamanca; Frank Randolph, Auditorium, Perry; Wm. MacFarlane, Playhouse, Canandaigua; Gus dePauw, Capitol, Newark; Joseph Deacon, Strand, Seneca Falls; Toby Ross, Elmwood, Penn Yan; Harold Lee, Babcock, Bath; Leon Shafer, Fox; Harold DeGrau, Palace, Corning; Ernest Crouch, Auburn, Auburn.

OHIO—Frank Nolan, Athena, Athens; Larry

(Continued on Page 10)

An orange silhouette of a person's head and shoulders, facing right, serves as a background for the text. The silhouette is solid orange and has a slightly irregular, hand-drawn appearance.

**SYMBOL OF THE
BOX-OFFICE TRUTH
THAT A REALLY GREAT
PICTURE MEANS
SMASH BUSINESS
SUMMER or WINTER...**

PEAKING OF HOLD-OVERS

FIRST 7 ENGAGEMENTS ALL **HOLD-OVERS**

RADIO CITY MUSIC HALL, NEW YORK

2 smash weeks send combined gross to \$170,000. as picture plays to over 400,000 people.

PHILADELPHIA

Held over second week in Warner's ace house, the Stanley, playing to biggest summer business in recent years.

NEW HAVEN

Two sensational weeks at Roger Sherman Theatre roll up terrific box-office take in sock engagement.

HARTFORD

Stand-out business at Strand forces move-over to Regal where run continues at sensational pace.

ATLANTIC CITY

Apollo gross sets picture in for indefinite move-over to Strand where it tops every competing attraction.

ASBURY PARK

Paramount summer receipts soar to top figure and run extended in move-over to Ocean Theatre.

SAN FRANCISCO

Third week at United Artists Theatre at highest admission scale and only single feature in town.

RELEASED THRU UNITED ARTISTS



A "Little" from Hollywood "Lots"

By RALPH WILK

Coward Playlets to Metro
METRO has bought for the screen the collection of Noel Coward one act plays presented on the stage under the title, "Tonight at 8:30." The separate plays comprise "The Astonished Heart," "Red Peppers," "We Were Dancing," "Shadow Play," "Hands Across the Sea," "Fumed Oak," "Family Album," "Still Life" and "Ways and Means."

Gerry Fitzgerald Opposite Flynn
Geraldine Fitzgerald has been pencilled in by Warners to play the femme lead opposite Errol Flynn in "Captain Hornblower," British sea epic adapted from best selling trilogy by C. M. Forrester. Hal Wallis plans to produce film in England. Present plans call for Flynn to make it next Spring, upon completion of "The White Rajah."

To Team Tone and Sothern
Franchot Tone and Ann Sothern will be teamed by Metro in an original story by Harry Kurnitz temporarily titled "Fast and Furious." Busby Berkeley will direct this production, the cast to include Virginia Grey, Lee Bowman, Ruth Hussey, Jerome Cowan, Bernard Nedell and James Burke. Frederick Stephani is producer.

Para. Re-Titles Two Pix
Paramount announces new and final titles on two pictures now in pro-

Schine Convention Will Call Industry Executives

(Continued from Page 7)

Circuit golf tournament at the swanky Pine Brook Country Club here.

Thursday night, an outdoor steak roast, served in the Schine style, will be staged on the grounds of Adirondack Inn, Sacandaga Park. Broiled over open fires, with "all the fixin's and then some," the roast last year was the talk of the convention.

Friday will mark the closing sessions, with a general business meeting of Schine managers and a gathering up of loose ends. L. W. and J. Myer Schine will give the concluding addresses.

Key Executives Will Attend Schine Enterprises Conclave

Key executives of all major and leading indie companies will comprise the New York contingent attending by invitation, the annual convention of Schine Enterprises at Gloversville.

Among those who have signified intentions to be present at the Wednesday night and Thursday events programmed are Herman Wobber and William Sussman, 20th-Fox; Roy T. Haines, Arthur Sachson, Warners; A. Montague, Lou Weinberg, Maurice Bergman, Columbia;

WHO'S WHO IN HOLLYWOOD

• • • Introducing Interesting Personalities: No. 212 • • •

LEW LANDERS. Director. Born in New York. Attended Columbia University. Entered motion pictures in 1925 at Universal City and served in every capacity possible. Was assistant director to Paul Leni, Harry Pollard, Edward Sloman and others. Directed nine features and three serials for Universal. Has directed Victor McLaglen, Lee Tracy, Jack Oakie, Chester Morris, Harry Carey, Steffi Duna, Sally Eilers, John Beal, Anne Shirley, James Dunn, Eduardo Ciannelli, Lucille Ball, Leo Carrillo. Directed 26 features for RKO in past three years, among them "Pacific Liner," "Condemned Women," "Flight from Glory," "Sky Giant" and "Without Orders." Now free-lancing. Stands 5-5. Hair, brown. Eyes, ditto.



duction. The Madeleine Carroll-Fred MacMurray picture formerly called "Are Husbands Necessary?" "My Love for You," "True Woman" and "A Love Story," will be released as "My Love for Yours" and "Television Spy" has been set as the final title for the picture formerly called "The World on Parade."

Universal Seeking John Payne
Universal is seeking to borrow John Payne from Warners for a leading role in "Green Hell." Warners, however, have scheduled actor

for choice part in "The Fighting 69th," which may have time conflict with "Green Hell."

Metro Acquires Properties

Metro has acquired film rights to Eric Ambler's novel, "Cause for Alarm," published by Knopf, and to four original unpublished stories. The original stories are: "The Man on America's Conscience," by Alvin B. Myers and Lowell Brodaux; and three stories written jointly by Nat Ferber, George Bricker, and William Dover, titled "Red Butterfly," "The

Plague Fighter" and "No More Hunger." The character of Joe Turp, featured by Damon Runyon in "A Call on the President" and other stories, also has been acquired for pix by Metro.

Hopkins-Davis to Team Again

Because of Miriam Hopkins' fine performance in "The Old Maid," Hal Wallis is considering a plan to team her with Bette Davis again in "Devotion," story of the three Bronte sisters, which James Hilton is now writing. Edmund Goulding, who directed "The Old Maid," is set to direct the Bronte story.

Metro Signs Three Writers

New writing contracts are announced by Metro with John Higgins, Frederick Faust and William Thiele. The latter will be active both as writer and director.

"Brother Rat and the Baby"

Fred Finkelhoffe and John Monks, Jr. have completed their screenplay, "Brother Rat and the Baby," and have checked off the Warner lot. Priscilla Lane, Eddie Albert, Wayne Morris, Jane Bryan, Jane Wyman and Ronald Reagan are set for top roles in this follow-up to "Brother Rat."

Taurog on New "Melody"

Norman Taurog will direct "Broadway Melody of 1940," co-starring Fred Astaire and Eleanor Powell, at Metro. Jack Cummings will produce.

★ Shining with the Schines ★

(Continued from Page 7)

many years of experience both here and abroad, he trains many a college graduate for Schine managerial post.

Al Marqusee, assistant to Leishman, heads the statistical department, while Francis Barter is in charge of insurance. Maurice Glock-

ner, formerly on the faculties of New York University and Columbia, heads the real estate and concession department. Willard S. McKay, as general counsel, has charge of the legal department, assisted by Howard Antevil, Peter Klein and William H. Townsend.

Life Eyes Hitchcock

West Coast Bureau of THE FILM DAILY
Hollywood — Jeffrey T. Hellman, writer for Life Magazine, arrived in town to do a story on Alfred Hitchcock, the Selznick International director.

E. K. "Ted" O'Shea, Metro; J. J. Unger, Milton Kusell, Alec Moss, Paramount; Harry Gold, Monroe Greenthal, Charles Stern, UA; F. J. A. McCarthy, William A. Scully, Lou Pollock, Universal; E. L. McEvoy, Leon Bamberger, Harry J. Michelson, H. Henry Walters, J. J. O'Connor, Herb MacIntyre, Fred Meyers, RKO; Edward A. Golden, Monogram; James R. Grainger, Jack Bellman, Republic; Carl E. Milliken, secretary of MPPDA; Her-

SLRB Continues Hearing

Hearings in the TMAT-Rugoff & Becker case before the State Labor Relations Board will be continued today, adjourned from Friday afternoon. Two employees of the theater circuit testified Friday.

man Robbins, George Dembow, National Screen Service; Willard McKay, John Ebersson, William B. Groat, Robert Hall and Lou Goldberg.

Convention officials have sent notice to the contingent members that a special car, prominently placarded, will be reserved on the New York Central's Upstate Special leaving New York at 3:35 p.m., E.S.T., and arriving in Fonda at 7:58 p.m., E.S.T.

Managers Assembling For Schine Circuit Conclave

(Continued from Page 7)

O'Neill, Holland, Bellefontaine; Milt Bryer, Bucyrus, Bucyrus; Ural Buck, Civic, Fostoria; Ted Barker, State, Fostoria; Bob Anthony, Piqua, Piqua; H. D. Shreffler, Castamba, Shelby; Dave Britton, Ritz, Tiffin; George Bannan, Van Wert, Van Wert.

OHIO—W. S. Eckard, Opera House, Ashland; John Manuel, Strand, Delaware; Ed. Kidwell, Kent, Kent; Ben Yudelevitz, Medina, Medina; Jim Platt, Vernon, Mt. Vernon; Ronald Sturgess, Vine, Mt. Vernon; Harold Garfield, Ravenna, Ravenna; Ed. Mott, Wooster, Wooster; Bill Selman, Forum, Norwalk.

KENTUCKY—Wall Allen, Kentucky, Lexington; J. D. Rice, State, Lexington; H. D. Stearn, Strand, Lexington; Jack Frisch, Russell, Maysville; Fred Williams, Madison, Richmond; John Makemson, Bourbon, Paris.

KENTUCKY — Eddie May, Hippodrome, Corbin; Leon Scott, Margie Grand, Harlan; Neil Scott, Liberty, Pikesville.

NEW YORK—Harry Unterfort, Keith's; Pat McGee, Eckel; James McAllister, Palace; Erie Wright, Paramount, Syracuse.

Beryl Mercer Dead

West Coast Bureau of THE FILM DAILY
Hollywood—Beryl Mercer, 57, for years an outstanding character player, died in Santa Monica Friday.

Morton Selter Dies

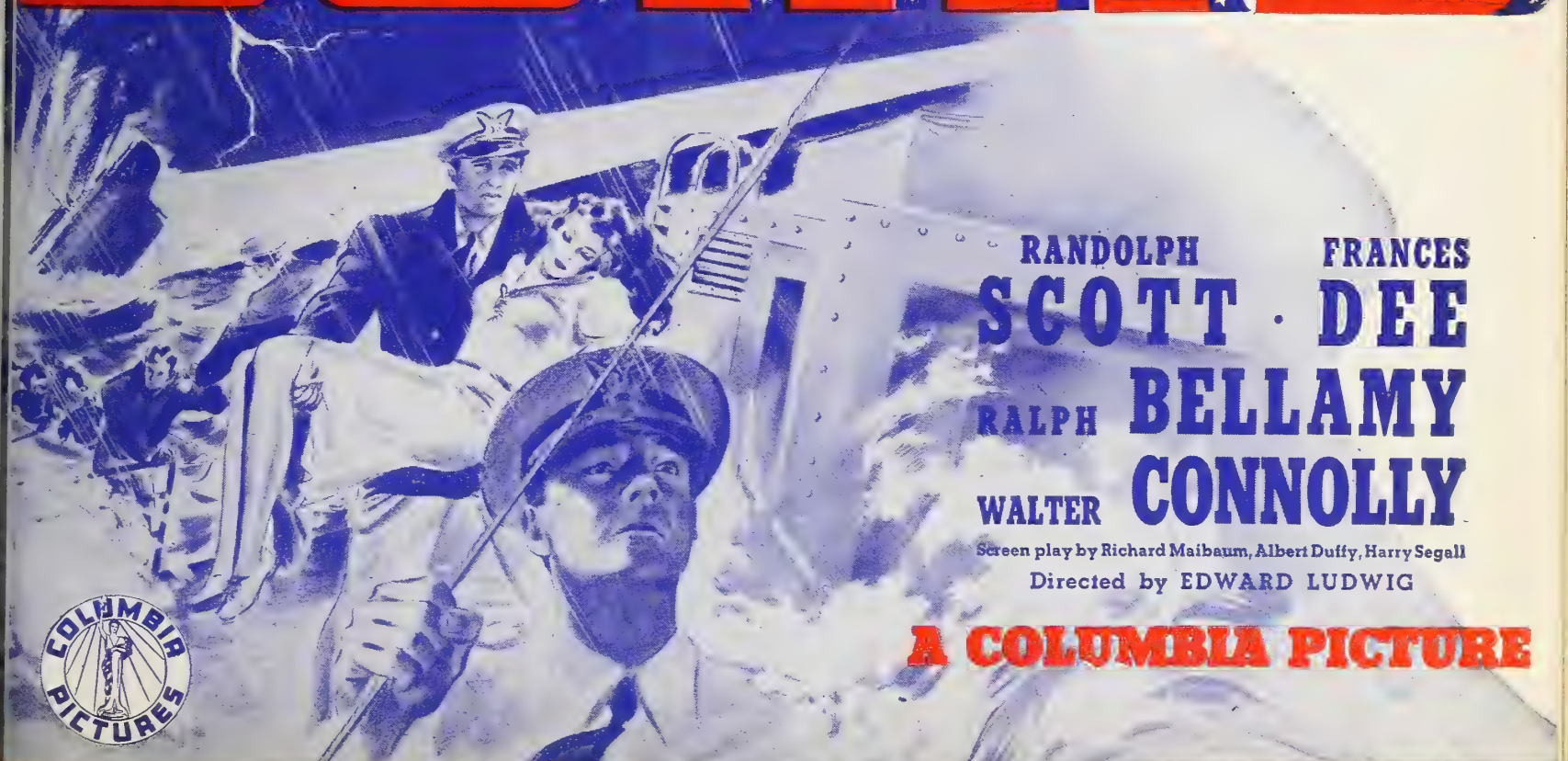
London (By Cable)—Morton Selter, 79, stage and screen actor, is dead here. He had just completed a role in Alexander Korda's "The Thief of Bagdad."



*From the Blazing Tropics
to the Frozen North...*

**THE TRIUMPHANT
STORY OF THE SERVICE
THAT NEVER SLEEPS!**

COAST GUARD

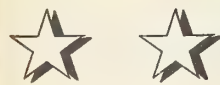


RANDOLPH SCOTT · FRANCES DEE
RALPH BELLAMY
WALTER CONNOLLY

Screen play by Richard Maibaum, Albert Duffy, Harry Segall
Directed by EDWARD LUDWIG

A COLUMBIA PICTURE





REVIEWS OF THE NEW FILMS



"Frontier Marshal"

with Randolph Scott, Cesar Romero,
Nancy Kelly

20th Century-Fox 71 Mins.

RATTLING GOOD WESTERN GIVES ROMERO AND SCOTT STRONG ACTION PARTS.

A bang-up western of the early days serves principally to give Cesar Romero a send-off for tough hombre parts in the classier horse operas such as "Cisco Kid." In fact Romero and Randy Scott divide honors equally, but Romero is much the more glamorous figure. Scott strikes the beholder as being a little too amiable for the role of a tough frontier sheriff. The production does a good job in recapturing the rough and bawdy atmosphere of the early western camps, of which Tombstone was about the wildest. Scott is inducted in as marshal after he gives the bad man, Joe Sawyer, a terrific beating. There is rivalry between two dance halls. Romero as the most feared man and the best shot of the territory, makes friends with the new marshal when the latter saves his life from a gun man. The femme interest is shared by Binnie Barnes, a dance hall queen who is infatuated with Romero, and Nancy Kelly, the old flame of his who has followed him west. Thus the ingredients are all assembled for a lot of thrilling incidents, which develop rapidly. There is a holdup of the coach carrying bullion by the bad man and his gang, backed by John Carradine, who runs the rival dance hall. Scott and Romero fight off the gang, and return with the bullion. This starts a showdown right in the town. Romero is killed, and Scott avenges his death by wiping out the gang. Good comedy by Eddie Foy, Jr.

CAST: Randolph Scott, Nancy Kelly, Cesar Romero, Binnie Barnes, John Carradine, Edward Norris, Eddie Foy, Jr., Ward Bond, Lon Chaney, Jr., Tom Tyler, Joe Sawyer, Del Henderson, Harry Hayden.

CREDITS: Producer, Sol Wurtzel; Director, Allan Dwan; Author, Stuart Lake; Screenplay, Sam Hellman; Cameraman, Charles Clarke; Editor, Robert Bischoff.

DIRECTION, Very Good. PHOTOGRAPHY, Good.

Encyclopedia Distrib. Deal Involves Million

Funk & Wagnalls Co. on Saturday announced the closing of a \$1,000,000 deal with De Luxe Theater Premiums of New York which gives the latter exclusive rights to distribute the publisher's 25 volume New Standard Encyclopedia in the theater field. Initial printing order is 1,000,000.

Censors Okay Conflict

"Conflict," French production starring Corinne Luchaire, has been approved by the N. Y. Board of Censors and will be released early in the Fall by Transatlantic Films.

In "What a Life"

Jewel Hart, who is engaged to Joe Cohn, son of Jack Cohn, is appearing with Ezra Stone in "What a Life" at Brighton.

"The Ware Case"

with Clive Brook, Jane Baxter, Barry Barnes
Gaumont British 72 Mins.

EXCELLENT MURDER MYSTERY WITH FINE BRITISH CAST AND DIRECTORIAL TOUCHES.

A thoroughly enjoyable and engrossing murder mystery, that combines a most intelligent story, clever direction and some of the best acting by a group of players seen in one film in a long time. This British production by Michael Balcon is easily one of the most absorbing and clever murder mysteries of the year. Its principal importance is in bringing back Clive Brook in a splendid characterization that he handles with consummate artistry. He is a British aristocrat come upon hard times which he refuses to recognize, being gaily irresponsible, and this drives his very sensible wife, Jane Baxter, to distraction. The film opens with a court trial, with the jury being locked in their room to deliberate. As they review the evidence, that becomes the film the audience sees. The character of the likeable but irresponsible aristocrat is shown by innumerable incidents, his fondness for his wife yet his weakness for other women; his extravagances, his likes and dislikes. Then the sudden murder of the wife's brother, a rich man whose money inherited by her can save Brook from losing his ancestral estate. Then there is that other clever actor, Barry Barnes, who plays the steady barrister, friend of the couple and secretly in love with the wife. He defends Brook charged with the murder on circumstantial evidence and the testimony of his gamekeeper. He is freed. Then comes the sock thrill with the dramatic admission by Brook that he killed the brother-in-law. He hurls himself to his death from the balcony into the midst of the horrified tenants below who have gathered to celebrate his exoneration. Jane Baxter is charming. Selling angles: splendid work of Clive Brook; the unguessable murder mystery; the dramatic surprise at the climax.

CAST: Clive Brook, Jane Baxter, Barry K. Barnes, C. V. France, Francis L. Sullivan, Frank Cellier, Edward Rigby, Peter Bull, Dorothy Seacombe, Athene Seyler.

CREDITS: Producer, Michael Balcon; Director, same; Author, George Playdell Bancroft; Screenplay, Roland Pertwee, Robert Stevenson; Cameraman, Ronald Nearn.

DIRECTION, Excellent. PHOTOGRAPHY, Very Good.

Montreal Exhibs. Fined

Montreal—Thirty-nine cases involving admission of minors under 16 years of age to several local moving picture theaters brought fines totalling \$450. A plea of guilty was entered in each case, and recorder Plante ordered a fine of \$40 and \$15 in costs in two instances and of \$10 and costs in the other 37 cases. The court's verdict cleared all such cases before the municipal tribunal from the rolls.

Curry Back in Pix Biz

Pittsburgh—Irving D. Davis has just sold the Strand Theater, Monongah, W. Va., to H. G. Curry, who retired from the theater business several years ago.

☆ SHORTS ☆

"Wise Quack"

Vitaphone Swell Humor 7 Mins.

Mark this one down as a swell addition to the program. It is filled with humor, appealing cartoon delineation, human interest, plus sufficient imagination and silliness to ingratiate it to young and old. Yarn tells of the impending fatherhood of Daffy Duck, to whose spouse is born a bevy of ducklings. When the new additions to Daffy's family have shed their shells, along comes a big bad hawk and kidnaps the smallest and most helpless of the brood. Porky Pig, a close friend of the proud but worried Daffy, assists in rescuing the absent duckling who is dropped to the ground by the hawk from a dizzy altitude. Climax of the film is appropriately ridiculous. Patrons will get a full-edged howl out of the birth scene.

Screen Snapshots

Columbia Hollywood Yesterday and Today 10 mins.

With Noah Beery acting as a commentator we are shown a number of the immortal luminaries of Hollywood's younger and lustier days. Such characters as Rudolph Valentino, Beverly Bayne, Francis X. Bushman, Betty Blythe, Charles Ray, the Gish sisters, William S. Hart, Norma Talmadge and a host of others parade across the screen in old shots, some of them coming back from the grave. Beery's audience is a group of the Hollywood youngsters of today.

"Saved By The Belle" with The Three Stooges

Columbia Fairly Amusing 20 mins.

Moe, Larry and Curly are discovered in the mythical country of Val-eska, a tropical kingdom, where they are trying to peddle heavy winter clothing. Earthquakes rumble continuously and a revolution is brewing. The boys get mixed up with the local gendarmerie and are sentenced to be shot as spies. An earthquake saves them and they manage to get themselves out of several more predicaments before the film is over. There are some laughs, but film as a whole is not up to their usual standard, Charley Chase directed.

"Seeing Red"

Vitaphone Standout Two-Reeler 20 Mins.

In addition to the frothy and amusing story which is utilized as a vortex around which can logically revolve the presentation of The Merry Macs, Harris & Shore, Louis Da Pron and John Regan, there are the antics of Red Skelton and A.

☆ SERIAL ☆

"Overland With Kit Carson"

Columbia 28 mins. 1st Episode
Actionful Serial Should Please Fans

Starting off with a bang, this new Columbia serial about the settling of the west should please the action fans and serial devotees. The cast, headed by Bill Elliott, Iris Meredith, Richard Fiske and Bobby Clack, is capable, and a choice assortment of villains have been rounded up for the picture. A gang of killers headed by a mysterious man with a pegleg, who has dreams of an empire if the white settlers can be kept out of the country, start a campaign of murder and arson to drive the settlers away. Kit Carson, noted scout, is drafted to tackle the gang with the co-operation of the army. The first episode is filled with punch and every indication points to action and suspense right to the finish.

Robins to make this two-reeler a standout for any audience. Latter essay roles respectively of employe and boss. Red Skelton, because he couldn't fix the boss' swivel chair so as not to precipitate its owner on the floor, is fired with the responding threat that he will haunt his irate employer. Subsequently, when the boss takes a gal friend to a night club, there is Skelton, omnipresent, appearing as m.c., coat-rack boy, waiter, et al, and the repetitious apparition confounds and dismays the boss who thinks he is actually "haunted." Performers are excellently chosen and paced during the night club scene, and Skelton's imitations are tip-top.

"There Goes Rusty"

(New World of Sports Issue)
Columbia Interesting Sport Short 10 mins.

Devoted to showing the training and racing of fleet greyhounds, this film gives interesting insights and sidelights on the popular sport of dog racing. First we see the young dogs being trained for the track, and then actual races at the beautiful Miami Beach Kennel Club in Florida.

"Hollywood Sweepstakes" (A Color Rhapsody)

Columbia Amusing Cartoon 10 mins.

Lightning, a crack horse training for the Hollywood sweepstakes at Santa Anteater Park, falls in a pool of water and catches a bad cold. His stablemate, an undersized pony, steals his blanket the day of the race and enters under the name of Lightning. A heavy rain turns the track into a sea of mud and the spurious Lightning wins the race by some fancy antics.

NBC IMPROVED TELE UNITS IN SERVICE

With new technical features, the NBC mobile units will return to service this week to provide New York viewers with three outdoor programs weekly. They will be presented on Wednesday, Friday and Saturday afternoons at 4 p.m.

First program will be a demonstration of life saving methods at Astoria Pool, on Wednesday by the Red Cross. Thursday's telecast will be a relay from the New York World's Fair and the week's third outdoor program will be a water ballet at Manhattan Beach.

NBC television engineers say that the transmitter unit of the relay station is almost completely new. Crystal control, new type amplifiers and other technical improvements will materially improve the quality of images relayed from the field. Corresponding changes have been made at the Empire State tower location of the ultra-short wave receiving point to assure transmission of the improved quality to lookers-in over Station W2XBS. A new antenna has also been mounted on the mobile transmitter by RCA engineers.

RKO Majestic, Columbus, Released to Mauri White

Columbus, O.—C. Harry Schreiber, city RKO manager, announces the relinquishing of circuit's lease on the Majestic theater to the High St. Theater Corp., of which Mauri White, business associate of Ike Libson in Cincinnati, is president. House will be reopened as a second-run. It is understood W. Clifford Bozman, former RKO house manager, will be retained.

Sol. Lesser Moving Staff to Selznick-Int. Studios

West Coast Bureau of THE FILM DAILY

Hollywood—Sol Lesser has signed a deal with Selznick International Studios, whereby he and his entire personnel move over to that studio tomorrow. Lesser still has one more Bob Breen picture to deliver for RKO, and will then start preparations on the deal he has to produce pictures for United Artists release.

Movie News on Air

Oklahoma City—Movie news programs are being carried by practically all local stations. KOCY has oldest with 55 broadcasts gone by with KTOK right behind but on a five minute daily spot. It is understood that WKY is readying a one or three per week movie show while KOMA has given generous space to movie news in its regular news broadcasts. Theaters are doing very little radio advertising at the present time though T. B. Noble, Jr. has carried 15 minutes weekly on Sunday over WKY during all except summer periods in the past.

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twenty-sixth installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio. Preservation of the daily installments, now devoted to the Rules of Arbitration, is recommended.

Installment No. 26

X. AWARDS

Award in Favor of Complaining Party: An award in favor of the complaining party shall contain:

- (a) Statement of the claim decided, and
- (b) The procedure if any is necessary to be followed in carrying out the award.

Award Against Complaining Party: An award against the complaining party shall dismiss the claim for lack of merit.

Assessment of Costs: Each award of a Special Arbitration Board (as distinguished from the Permanent Arbitration Board) shall include an assessment of costs of the Arbitration Board.

XI. LOCAL RULES AND REGULATIONS

The Permanent Arbitration Board may establish such rules and regulations as are considered necessary or proper to facilitate the arbitration of disputes. Such rules, however, may not

- (a) Be inconsistent with the Rules of Arbitration or the Trade Practice Code, and
- (b) May not enlarge the additional powers upon any arbitration Board.

Preferences: The Permanent Arbitration Board shall establish a special class of disputes which are of a type which require prompt and immediate decision. Preferences shall be given by Permanent and Special Arbitration Boards to such hearings and the decision shall be expedited.

(Twenty-seventh and final installment will appear in an early issue.)

Games Returned to 30 New York Spots

(Continued from Page 1)

the West Side between 34th and 72nd Streets.

Practically all the circuits had participated in the games ban which had to be lifted, it was said over the week-end, because of the patronage being attracted by prize nights in non-theatrical establishments.

Three Pix and as Many Cups and Saucers for 15c

Chicago—Seventeen theaters used triple bills, over the week-end while the same number featured premiums. Nine houses gave glassware, five dinnerware. The Harvard Theater featured kitchen knives, the Eastside Theater, pastry servers.

Giveaway competition on the Northwest Side has climaxed with the Rio Theater management giving three cups and saucers and three features for 15 cents.

Even Balaban & Katz are using premiums heavily at their Will Rogers Theater, using dinnerware. The Crystal and the Biltmore are using silverware and dinnerware premiums, while the Terminal Theater at Kedzie and Lawrence Ave., uses silverware.

The Warner theater circuit has shelved premiums and is using bathing beauty and twins contests in some situations as business stimulants.

Jitterbug contests, under Sam Herman direction, are being used by Balaban & Katz at the Loop State Lake Theater, while Jones, Linick & Schaefer are using amateur vaudeville Monday nights, giving the winner, a week's engagement at the Oriental Theater.

"Four Feathers" to Open At N. Y. Capitol Friday

(Continued from Page 1)

making deal closed at the week end by Harry L. Gold on behalf of UA and Joseph Vogel, acting for the Loew circuit.

In terms, playing time and other attractions, the deal represents one of the highest prices ever offered by the Capitol and Loew's for a film, it was stated.

"Four Feathers," with which UA inaugurates its 20th anniversary, is the first UA pix to play the Capitol and may presage a change in the exhibition of the distributor's releases in New York, it was said.

Loew's is giving "Four Feathers" priority and right of way, and the pix will later simultaneously play all Loew circuit nabes, it is said.

TMAT Asks Alien Ruling by Department of Labor

Springfield, Mass. — The TMAT union here is petitioning the Department of Labor to make a ruling in alleged cases where theaters have replaced discharged "front of the house" employees with aliens. The TMAT has leveled one specific charge against the Goldstein circuit on this charge, according to Harry Storin, union spokesman here.

Storin also charges that plans are being made to employ aliens in another theater where employees have filed charges of discrimination with the National Labor Relations Board.

The Paramount Theater here is scheduled to reopen on Aug. 10. It is reported that the house may use a stage show when it reopens. When the house was shuttered, a lockout charge was brought against the operators by the TMAT.

RIGHT TO CRITICIZE SCORES IN SURVEY

By an overwhelming majority, American readers believe that newspapers and magazines should have the right of honest criticism about films even if it injures their sale and lessens the income of producers, according to results of a survey made by Fortune magazine.

Question was one of a series of queries and brought an affirmative from 81.6 per cent, a negative from only 11.2 per cent, with 7.2 per cent saying they don't know. Films were linked with books in the question.

Right to criticize under the same conditions was upheld in the instance of a quality of a brand of gasoline, 72.8 per cent; labor policy of an employer, 60.1 per cent and the way a company operates its business, 58.4 per cent. Negatives in these three cases, respectively, were 17.2, 28.1 and 31.4 per cent, while "don't know" percentages, respectively, were 10, 11.8 and 10.2.

Theater Acoustics, Subject of Academy Investigation

West Coast Bureau of THE FILM DAILY

Hollywood — The Academy Research Council Theater Standardization Committee is pressing an extensive investigation of theater acoustics, under the direction of a subcommittee consisting of Jack Durst, chairman, Fred Albin, Lloyd Goldsmith, Don Loye, and Michael Rettinger.

The committee will attempt to work out standard methods for making acoustical measurements, and will also consider the possibilities for correlating studio review room acoustics with theater acoustics for the purpose of establishing a "judgment factor" for evaluating review room listening tests with theater listening tests.

As a first step a series of acoustical measurement tests and experiments will be conducted in a review room being made available to the committee through the co-operation of Columbia studio for the next 60 days for these tests.

Theater sound equipment and service companies which will co-operate with the Research Council in this acoustic investigation are the Altec, Dominion Sound Equipments, Ltd., Erpi, International Projector, Lansing Manufacturing Co., Northern Electric Co., Ltd., and the RCA.

Free Pix Aid Midway

Youngstown, O.—Art Mallory, owner-manager of nearby Craig Beach park, has inaugurated a policy of free movie shows at the park nightly in the beer garden. Program includes shorts, news-reels, comedies and educational subjects. Mallory says movies help stimulate night patronage on the midway.

COURT FIXES BASIS FOR "LYNTON" BALM

(Continued from Page 1)

only one-fifth of the net profits derived from the picture, together with such allowances as remain to be computed and determined pursuant to the remanding of the suit to the U. S. District Court.

Both the plaintiffs and defendants have certain contentions pending as to allowances, determination of which will probably increase or decrease the original award of \$532,000 granted by the District Court to the plaintiffs, but the adjusted amount is not expected to vary greatly from the original award, since the Circuit Court ruled that the profits on the infringing picture must be apportioned between the value of the infringing "Dishonored Lady" and other factors such as the drawing power of stars and directors.

The 22-page opinion written by Senior Circuit Judge Learned Hand, and concurred in by Judges Robert P. Patterson and Harris B. Chase, in reversing the decision of Federal Judge Vincent L. Leibell, directed a new hearing on the suit in order to compute damages in accordance with the terms of the opinion.

High court's decision also went into the method of computation of profits, and while upholding the report of Special Master Gordon Auchincloss to a large extent, ordered certain modifications in his methods of fixing the net profits.

Counsel Fees Also Cut

Decision also reduced an award of \$55,000 given to O'Brien, Driscoll & Raftery, attorneys for the plaintiff, to \$33,000.

The opinion in the major part discussed the question of whether the plaintiffs were entitled to all of the profits of the picture or, as the defendants contended, to the proportionate value of the story infringed upon.

The Court felt that, although the question was not free from doubt, it would be manifestly unjust for the plaintiffs to receive all the profits, and remarked that the reputation of Joan Crawford and Robert Montgomery, stars of the picture, "had stood very high in the public esteem in 1932" and was undoubtedly the film's greatest box-office attraction.

Judge Hand pointed out that a large number of producers and exhibitors had testified that the value of the story had been between 5 and 12 per cent and that the plain-

British Exhibitors Open War on Indie Distrib. Supplying Films for Tele

London (By Cable)—While American indie distrib. of pix apparently are to be permitted to make films available for television without exhib. complaint, move has been launched on this side to bring indie renters into line with the majors in refusing to release features to the BBC for telecasts. Move originates with the Manchester branch of the CEA.

Organization of Cashiers And Ushers Speeded by IA

Organization work by the IATSE among ushers, cashiers and other theater employes not under the jurisdiction of other A F of L unions was speeded up last week in the RKO circuit in New York, with IA execs. reporting at the week-end that organization was just under the 100 per cent mark.

Move was quickly taken by the IA when a threat was made by the CIO to move into this field in New York. It is expected that the IA will expand its theater organization campaign immediately to other key cities.

Schoenstadt Prepares to Reopen Four Houses

Chicago—Arthur Schoenstadt says the Schoenstadt circuit will soon reopen the Crane, Crown, Archer and Kenwood theaters, which have been closed during the Summer months.

The circuit will also spend \$30,000 for improvements of the Peoples Theater at Ashland and 47th St.

tiffs had in no way contradicted this evidence.

The Court stated, however, that the defendants were wrong in arguing that the value of the play was fixed by the amount which the plaintiffs had asked for during negotiations for its sale to M-G-M, previous to the production of "Letty Lynton."

The Court stated emphatically that the defendants "were not innocent offenders, they deliberately lifted the play," and, therefore, could be credited only with actual cash expended in computing the net profits. Court refused to take into consideration the value of the defendants' reputation as a box-office attraction because, Judge Hand felt, the plagiarism had been deliberate.

Share Fixed at One-Fifth

In conclusion, the Court stated "We will not accept experts' testimony at its face value; we must make an award which by no possibility shall be too small . . ."

"It is not our best guess that must prevail, but a figure which will favor the plaintiffs in every reasonable chance of error. With this in mind, we fix their share of the net profits at one-fifth."

The decision went into detail on the accounting methods of Special Master Auchincloss. It overruled the Special Master and held that payments made to Mayer, Thalberg and Rubin were properly deductible from net profits and expenses of the picture. At the same time it

Australian Standard Pact Will be Ready This Month

Sydney (By Cable)—Following considerable discussion and many months of work by the New South Wales Motion Picture Exhibitors Association, it is expected that the long sought standard contract may be put into effect early in August in this state. The association is said to have arrived at a working basis for a recognized film hire agreement.

A meeting of representative exhibitors and distributors will be held in a few days to discuss the terms of the contract. The contract officially becomes law in August. What action will be taken by the Victoria and South Australian exhibitors in the matter of a standard contract has not been disclosed yet, but it is expected that they will follow the lead of the New South Wales government in instituting a standard contract.

Fyffe In "Annie Laurie"

Will Fyffe will be starred in "Annie Laurie," to be released next season by World Pictures Corp.

overruled the defendants' objections to a number of other rulings. Among these rulings were that distribution costs should be computed by a division of the total number of pictures distributed in 1932 into the entire cost of distribution for that year; that foreign profits must be included that profits of Loew's subsidiaries were to be estimated in the net profits of the picture; that allocation of overhead expenses were proper; that no estimated depreciation of continuities in the studio could be charged to the picture; and, finally, that a loan made by Loew's, Inc., to M-G-M could not be considered in the deductions.

On the other hand the court held that the Special Master was wrong in allowing a deduction for income tax payments.

The decision also held that losses by exhibition of the picture in certain unprofitable domestic theaters could not be charged against the plaintiffs, but that this rule would not apply to foreign exhibition.

At the same time, Court upheld the Master's ruling that "idle time" of stars and personnel could be allocated proportionately to the picture; that a payment to MPPDA on profits of the picture was deductible; that allowance of overhead, where the overhead aided production of the picture, was proper; and, finally, that allowance on completed pictures never exhibited, and scrapped continuities could be allocated proportionately.

RKO MAY NOT NAME BERMAN SUCCESSOR

(Continued from Page 1)

chief, at the expiration of his current contract with the company, it was reliably reported here Friday in advance of the arrival today of George J. Schaefer, RKO prexy, and Ned E. Depinet, vice-president, for studio conferences.

It is believed that a unit system will prevail at the studio with all final decisions in the hands of Schaefer, although he is not expected to make his headquarters permanently on the Coast. Since the inception of the Schaefer regime, the unit system has been favored, with Gordon & Goetz and Towne & Baker already signed, and other deals of a similar nature reported in the process of negotiation.

Schaefer is expected to stay here for about four weeks on this trip.

LeRoy Drops Production Duties and Will Direct

(Continued from Page 1)

producer for M-G-M and will confine his activities to directing. Louis B. Mayer gave his consent to the change.

LeRoy will begin immediately to prepare for "Ziegfeld Girl," in which several M-G-M stars will appear. Other pictures which LeRoy is slated to direct include "Sea of Grass," co-starring Spencer Tracy and Myrna Loy, and "National Velvet," with a cast to be announced.

Siegelstein With Terry

Fred Siegelstein, formerly on the editorial staff of the Journal-American, has joined the staff of Paul Terry in New Rochelle. He is writing scripts for the Terrytoon producer.

Okays FMPC Reorg. Plan

Plan of reorganization of the French Motion Picture Corp. was approved on Friday by Federal Judge William Bondy. The plan provides for payment of 15 per cent to general creditors, and 100 per cent to all preferred creditors.

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New York City

AMERICAN DISTRIBS. MAY RE-ENTER ITALY

(Continued from Page 1)

prior to his sailing that he was going over strictly for a vacation, Pettijohn told THE FILM DAILY that he hoped he could see what could be done to improve the relationship between Italy and the American distributors. There is no reason why the situation should be the way it is, he said.

Pettijohn was accompanied by his wife and son.

Italian Theaters Confronted With Serious Film Shortage

Urgent distress signals are appearing in Italy as result of the 1938 Fascist decree which set up ENIC,

London (By Cable)—Italy's ENIC, frantically seeking film product here, made an offer for a British-made production of a U. S. major but was rebuffed. U. S. company offered to reimburse its British partner for its loss by the refusal.

Government film monopoly bureau, and quickly precipitated complete withdrawal from the Italian market of U. S. major and principal indie companies.

Exodus of the American distributors has brought about a distinct shortage of acceptable product for Italian exhibition outlets, and coincidentally created a critical situation as far as the Government is concerned, since both the trade and the public looks to officialdom for its screen entertainment. Latter is not only embarrassed by inability to furnish features, but is having trouble presenting a reasonable explanation of the worth of ENIC, which was propagandized as a great forward step toward rehabilitating Italy's film fortunes.

September, says Julio Castelli, for several years sales manager in Rome for one of the principal American companies, will see Italy's film famine on in earnest, since by that time even the small existing residue of U. S. product will have become exhausted.

Agents of the Italian Government, having failed to woo any worth-while product from American sources, have recently been going through British companies with a fine-tooth comb. Only a few outmoded or unimportant productions have, it is learned, been culled, because English wings of the industry very logically figure that if the U. S. couldn't get prices and subsequent revenue out of Italy, there is no inducement for the British.

The raking process has also been on in Germany and France, with dearth of good results for Italy, and well-informed channels in Rome declare that the Fascist agent, in the processes of panic, have even gone so far as to grab some Japanese pictures and some from India.

THE WEEK IN REVIEW

Schaefer Heads RKO

(Continued from Page 1)

facing more anti-trust actions from D of J. . . A legislative development of wide interest was veto of the Illinois anti-duals measure by Gov. Henry Horner on ground that measure was unconstitutional.

* * *

OTHER HEADLINES: Nicholas M. Schenck, Loew's prexy, revealed Metro's gross biz during last 12 months is up more than \$2,000,000, achieved despite foreign market shrinkage. . . Summer re-issues of 10 pix companies disclosed 50 per cent decline. . . Formation of new parent company, Radio Wire Television, with John E. Otterson as prexy, was formally announced. Wall St. sources asserted that an underwriting plan for the organization calls for some \$6,000,000.

* * *

FOREIGN

FRENCH VISA NIXING: Paris reports said that abolishing of film visa system was imminent, thus opening market wide to film of other countries. Reported move was held essentially a "good-will gesture" toward the U. S., since Hollywood product, because of its popularity with French audiences, would be inclined to benefit most.

* * *

JAP MART CRISIS: State Dept.'s denunciation of the 1911 U. S.-Japanese commercial treaty caused uneasiness in pix circles, the latter fearing that, with expiration of the treaty, and possibly before late January, 1940, at which time the agreement would actually end, American product would cease to find an outlet in the Japanese Empire, as well as in those parts of China under Japanese domination.

* * *

CHINA GIVES ANXIETY: American companies may be forced to suspend operation in China in the near future, due to decrease of Chinese dollar to nine cents against the U. S. dollar at the current rate of exchange, and the more serious difficulties in doing business in that country presented by the heavily duplicated duty charges.

Mrs. Gommersall Is Hostess

Chicago—Mrs. Peck Gommersall, wife of the manager of the Universal exchange, was host to Mrs. Clyde Eckhardt, wife of the manager of the 20th Century-Fox exchange, and the wives of other Chicago managers at a silver anniversary dinner in honor of the Eckhardt silver anniversary celebration.

Improve S. Chi. House

Chicago—The H. and E. Balaban circuit will soon start a \$25,000 improvement program on their Commercial Theater in South Chicago.

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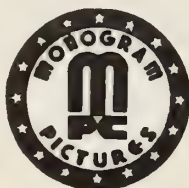
"Monogram hits pay dirt in bonanza quantity"
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—*Film Daily*

"Fits easily into the top niche"

—*Daily Variety*



A MONOGRAM PICTURE

THE Film DAILY

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76, NO. 21

NEW YORK, TUESDAY, AUGUST 1, 1939

TEN CENTS

Itinerants Hurting Theater Biz in 200 Indiana Towns IATSE MOVES FOR PERFORMER CONTROL THRU AFA 3,000,000 Shares of Common, 130,000 of Pfd. for RKO

Underwriting Agreement Not Yet Completed, Rickaby Tells Court

Hamilton C. Rickaby, counsel for Atlas Group, RKO reorg. plan proponents, announced at a hearing before Federal Judge William Bondy yesterday that he will ask the court's permission within the near future to amend the certificate of incorporation of the new RKO company to authorize the issuance of 3,000,000 shares of common stock and 130,000 of preferred.

At the same time, Rickaby told the court that the underwriting

(Continued on Page 3)

OHIO ITO CHECKING DISTRIB. SINCERITY

Columbus, O.—ITO of Ohio (Alfred), in a bulletin, asks members to report on distributor sincerity in adherence to sales policies revamped by the pending Trade Practice Code. Bulletin, prepared by Pete J. Wood, secretary, says:

"The distributors have been pro-

(Continued on Page 7)

Wildberg-Skirball May Release Thru Columbia

Closing of a release deal by the newly organized Wildberg-Skirball producing combine awaits the arrival of Skirball from the Coast late

(Continued on Page 3)

Metro's Snake Dance

They were doing Metro's version of the snake dance at M-G-M's home office yesterday.

Reason: "The Wizard of Oz." Print of Leo's \$3,000,000 Technicolor production arrived in New York yesterday and was immediately screened for the home office staff. It wowed 'em to a man and girl. "Sensational," "terrific," "a smash" were some of the more modest b. o. descriptives by Metroites as they left the projection room.

D of J to Press Calendar Preference

Motion in Equity Action on Thursday

Special Assistant Attorney General Paul Williams asserted yesterday that, because of the inability of the D of J and major companies' counsel to agree thus far in conferences to a trial date for the equity action, that he intends to press his motion for calendar preference on Thursday at 5 p.m. in chambers of Federal Judge John C. Knox. Williams says he expects defendant majors to argue that they require more time to prepare their cases. He added that he did not know if the defendants intend to dispute the fact that the suit is entitled to preference.

ABOVE-AVERAGE BIZ IN B'WAY THEATERS

Despite interludes of rain and threatening weather, Broadway's six palaces did lively business on the week-end, particularly on the Sunday matinee and evening shows, a checkup yesterday disclosed.

The "take" of the Great White Way stands was all the more gratifying in light of the gloom which

(Continued on Page 6)

Garland-Rooney to Appear With "Oz" at the Capitol

New York premiere of Metro's "The Wizard of Oz" yesterday was set for the Capitol Theater Aug. 17. Program will also have Judy Garland, who appears in the pix, and

(Continued on Page 7)

RKO RADIO RELEASING THREE GARMES FILMS

West Coast Bureau of THE FILM DAILY

Hollywood — Lee Garmes has closed a releasing deal with RKO Radio for pix to be made in the East, it was learned here yesterday, with announcement shortly to be made here by George J. Schaefer, RKO Radio prexy.

Deal is an optional one for three

(Continued on Page 7)

Monogram Will Distribute Four English Pix in U. S.

Titles of four English pictures to be distributed in the U. S. by Monogram this season were announced by W. Ray Johnston, president, upon his return from abroad yesterday.

(Continued on Page 7)

35 Circuits Operating 16MM. Shows in Indiana Territory Hurt Theaters

Announce Schine Contest Winners as Parley Opens

By JACK BRADY

FILM DAILY Staff Correspondent

Gloversville, N. Y.—Theater managers, associate personnel and leading figures in the film industry gathered yesterday in this city in the foothills of the Adirondacks for the

(Continued on Page 7)

By HOWARD M. RUDEAUX
FILM DAILY Staff Correspondent

Indianapolis—Indiana theater operators are becoming more and more concerned over the growth of 16 mm. circuits in the state. At present there are some 35 circuits of about six towns each that are reportedly adversely affecting b. o. receipts of established theaters; in not less than 200 towns.

Operators as a rule are college

(Continued on Page 3)

Bitter Theatrical War Seen; AAAA Files Protest with A F of L

By HOLLIS KENNAHAN

FILM DAILY Staff Writer

In a surprise move, the IATSE yesterday granted a charter to the American Federation of Actors which gives the latter union broad and sweeping jurisdictional powers over the entire theatrical field.

The IA's action, through President George E. Browne of Chicago, was accepted at once as the opening barrage in what may prove to be the most bitter labor fight ever staged in the entertainment world.

The AAAA jumped the gun by sending a formal protest to the American Federation of Labor Ex-

(Continued on Page 6)

EXPECT PRODUCERS TO BOW TO CLOSED SHOP

West Coast Bureau of THE FILM DAILY

Hollywood — Producers are expected to comply with the demand of IATSE for the return of a closed shop for its studio locals. IA of-

(Continued on Page 6)

Stadium Case Depositions Await Wilkerson's Return

Chicago—Robert Goulding, representing B & K and Paramount, and Frederick Burnham, representing other defendant film companies, ap-

(Continued on Page 2)

Completing Code

Meeting of the distributors' code committee this afternoon is expected to finish up the final details of the revised trade practice formula. Efforts will be made to complete the draft so that the plan can be released to the trade before the end of the week.

THE **Film** DAILY ALL THE NEWS ALL THE TIME

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat				
Col. Picts. vtc. (2 1/2%)	9 1/2	9 1/2	9 1/2	- 3/8
Col. Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	- 1/8
Con. Fm. Ind. pfd.	1 1/2	1 1/2	1 1/2	- 3/8
East. Kodak	171 1/2	171	171 1/4	- 1 1/4
do pfd.				
Gen. Th. Eq.	11 7/8	11 7/8	11 7/8	+ 1/8
Loew's, Inc.	46 5/8	46 1/4	46 5/8	+ 3/8
do pfd.				
Paramount	9 3/4	9 3/8	9 3/4	- 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.				
Pathe Film	12 1/4	11 1/2	12 1/4	+ 3/8
RKO	2	2	2	
20th Cent.-Fox	20 3/8	20 3/8	20 3/8	- 1/4
20th Cent.-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	5 1/4	5 1/8	5 1/4	
do pfd.	55 1/8	55 1/8	55 1/8	- 1 7/8

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100	100	100	
Loew's deb. 3 1/2s46	103 1/4	103	103	- 1/4
Par. B'way 3s55				
Par. Picts. 6s55				
Par. Picts. cv. 3 1/4s47	91	91	91	+ 1/4
RKO 6s41	75 3/8	74	75 3/8	+ 7/8
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	90 1/4	90 1/8	90 1/4	+ 1/8

NEW YORK CURB MARKET

Monogram Picts.	1 7/8	1 7/8	1 7/8	+ 1/8
Sonotone Corp.	1 1/2	1 1/2	1 1/2	
Technicolor	15 3/4	15 3/4	15 3/4	- 1/4
Trans-Lux				
Universal Corp. vtc.	3 3/4	3 3/4	3 3/4	- 1/4
Universal Picts.	7 3/4	7 3/4	7 3/4	+ 1/4

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	100 1/2	102 1/8
Met. Playhouse, Inc. 2nd deb. '45	70	72
Roxy Thea. Bldg. 4s 1st '57	65 1/4	67 1/4

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"Letty Lynton" Decision Sets Precedent

Industry legalists expressed keen interest yesterday in the opinion handed down last Friday by the U. S. Circuit Court of Appeals in the "Letty Lynton" plagiarism case. This is declared the first copyright decision ever to direct the apportionment of profits on the same relative basis as has prevailed in the instance of patent suits wherein a patent has been appropriated. Heretofore, in precedent-setting plagiarism actions, court rulings have given all profits to the plaintiff.

Confirmation of Orpheum Report Sought by Olney

Peter B. Olney, Jr., referee in bankruptcy, will apply to Federal Judge Murray Hulbert tomorrow for confirmation of a final report of Orpheum Theater Co. which he filed yesterday in Federal Court.

Company, operating St. Louis theaters, folded six years ago.

In the report, Referee Olney stated that \$28,516 remains in the estate for payment of fees and commissions and for distribution to creditors whose claims aggregate \$1,425,335.

Report asks for payment of \$495 to Kenneth B. Umbreit, \$1,500 to Umbreit's counsel, Davis, Auerbach, Cornell & Hardy, and \$2,003 to the Referee.

Irving Trust, as trustee of RKO, is a creditor for \$824,026, RKO Orpheum, as assignee for Stadium Theaters, Inc., for \$510,807, and Paramount Pictures, Inc., for \$90,462.

Film Alliance of U. S. Has 8 English, 7 French Films

Film Alliance of the U. S. will begin the distribution of eight English and seven French pictures in September, according to Nat Wachsberger, executive of the company, who arrived from Europe yesterday on the Normandie. Wachsberger said that his company had obtained the exclusive distribution of the Charles Boyer pictures made in Europe.

M-G-M Deals With Warners, NT Near to Closing Stage

New M-G-M product deals with National Theaters and Warner Bros. circuit have been agreed upon in principle and signatures are expected to be affixed shortly. It is reported that the National Theaters pact calls for a three-year agreement.

"Nurse Edith Cavell" Opens At Music Hall August 17?

"Nurse Edith Cavell," first Hollywood production of Herbert Wilcox for RKO Radio release, may have its world premiere at Radio City Music Hall on Aug. 17. Pix will be previewed in Hollywood Aug. 11. Herbert Wilcox, accompanied by Anna Neagle, starred, will start East the following day.

Stadium Case Depositions Await Wilkerson's Return

(Continued from Page 1)

peared before Federal Judge Michael Igoe yesterday seeking to quash depositions requested by Lewis Jacobson, attorney for Frank Ford in the Stadium theater clearance case.

Aaron Stein, Allied attorney, represented Sam Myers, independent exhibitor, another defendant in the case, and agreed to allow his client to make depositions on Thursday. Attorney Jacobson contended his client, Ford, was seeking better clearance for new season product and unless given relief, the new buying season would be under way without anticipated relief.

Judge Igoe ruled that film companies and B & K depositions be allowed to go over until the return of Judge Wilkerson before whom the original bill was filed.

Expect 150 Will Attend Conn. MPTO Tournament

New Haven—Over 150 theatermen and their friends are expected at the fourth annual film golf tournament sponsored by Connecticut MPTO today at Racebrook Country Club. The day's activities have been scheduled from 10 a.m. to 10 p.m., the main 18-hole golf event starting at 2:00 p.m. Both luncheon and full-course dinner will be served at the clubhouse, and more than 30 prizes await distribution to golfers and non-golfers.

Irving C. Jacobs, Jr. heads the committee in charge, assisted by Edward Levy, Edwin Raffile, Lou Anger, Leo Bonoff, Harold Eskin, B. E. Hoffman, Adolph G. Johnson, Arthur Lockwood, Sam Rosen, Harry Shaw, and Max Tabackman.

Vocafilm Will File Bill of Particulars By Aug. 31

Vocafilm Corp. of America was directed yesterday by Federal Judge Murray Hulbert to file by Aug. 31 a bill of particulars in the action brought by the company against A. T. & T., WE and Erpi, who, complaint alleges, monopolized picture accessories field and forced plaintiff out of business. Latter is asking triple damages in amount of \$65,953,125 under Sherman anti-trust statute.

Dietien Rites Today

Akron, O.—Funeral services for John G. Dietjen of the Royal theater will be held today. His death occurred Sunday from peritonitis, following an appendectomy.

COMING AND GOING

HARRY M. WARNER arrives in New York shortly to sail for Europe next week on the Queen Mary.

JOSEPH M. SCHENCK, board chairman of 20th-Fox, arrived on the Coast yesterday after a New York visit.

W. RAY JOHNSTON, Monogram prexy, arrived yesterday on the Normandie after a European vacation.

CHARLES E. MCCARTHY, 20th-Fox director of publicity and advertising, and LOUIS SHANFIELD, art director, flew to the Coast last night.

SPYROS SKOURAS, National Theaters prexy, was in Washington yesterday.

CHARLES P. SKOURAS, FWC head, left New York last night for the Coast.

NORTH CALLAHAN, amusement editor of the Tyler (Texas) Morning Telegraph and Daily Courier Times, is in New York visiting home offices.

OLIVE ANNE O'HARA, former film reviewer for the Syracuse Herald, sailed for Halifax yesterday on the St. Louis.

FRANK NEWMAN, of Evergreen Theaters, left New York yesterday for Seattle.

NORMA SHEARER, EDWARD G. ROBINSON and MRS. ROBINSON, GEORGE RAFT, ROLAND YOUNG, BOB HOPE and MRS. HOPE, BEN LYON and MRS. LYON, the former Bebe Daniels, sail from New York tomorrow on the Normandie for Europe.

CHARLES J. PANNILL, president and director of RCA Institutes, and MRS. PANNILL, leave New York on the Normandie tomorrow for Europe.

HARRY COHN, Columbia's president; MILTON SPERLING, film writer, and MRS. SPERLING; GILBERT MILLER, theatrical producer and MRS. MILLER; NORMAN Z. MCLEOD, film director, and MRS. MCLEOD; and NAT DEVERICH, Hollywood agent leave New York for Europe on the Normandie.

JOHN EBERSON, film theater architect, left New York last evening for Washington and will return to his local offices tomorrow before leaving early Thursday morning for Gloversville to attend the Schine convention in Gloversville.

HERB BERG, Paramount publicist, returned to his office yesterday, following a two-week vacation in Montauk, L. I.

CHARLES ROBERTS, Columbia's home office supervisor for Latin America, left New York yesterday for Mexico by plane where he will spend ten days on business.

VYVYAN DONNER, Fox Movietone News' fashion editor; CARSON KANIN, RKO producer-director; SAM LEVENE, actor; MRS. MORTON DOWNEY, wife of the actor-singer; and ARTHUR TRACY, known as "The Street Singer," arrived in New York yesterday from Europe on the Normandie.

NET WACHSBERGER, of Film Alliance; MAX GRUMPCL, managing director of Denham Laboratories; ARTHUR SILVERSTONE, brother of Murray and Manny and associated with UA in England; and SAM BURGER, special sales representative of Loew's foreign department, arrived in New York on the Normandie yesterday.

Selznick International has signed ROBERT STEVENSON, English director, to a contract and he will sail from London Aug. 9.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 1

Madge Evans

Judith Wood

Chester B. Bahn

Erle C. Kenton

William Orlamond

Herman Gumbin

ITINERANTS HURT BIZ IN 200 IND. TOWNS

(Continued from Page 1)

tudents, who rent the equipment from the circuit operator and pay a weekly rental for equipment and film. It is estimated that after all expenses are paid the operation nets the student about \$25 or \$30 salary. The shows are held in the public square and supported by local merchants who receive advertisement and publicity that is flashed on the screen. Some of the features are of comparatively recent production and late issues of shorts and cartoons are among those being shown. In many instances the attendance runs well over 1,000 persons.

The itinerant shows are not restricted to theaterless towns. Recently, a show was held directly in front of a theater that happened to be located in the public square of one town. The itinerant season spans 8 to 20 weeks.

The equipment used by the traveling 16 mm. exhibs. is strictly modern, arc lamps, and excellent sound equipment, and in many instances as good, if not better than some of the leading theaters in the state, it is said. Some of the 16 mm. pictures are equally as good as the 35 mm. pictures and some better in quality than many 35 mm. shown on the screens of many of the small state theaters.

The ATOI, Inc., has fought transient showmen for many years and now claims to be fighting for the established theater's existence. During the 1937 session of the general assembly the law requiring license fees for carnivals, tent shows, circuses and other transient entertainment was repealed. Today they are running wild and the gross income tax division is powerless to follow them.

Wildberg-Skirball May Release Thru Columbia

(Continued from Page 1)

this week, Wildberg said yesterday. He said that they are negotiating with Columbia, but also have several other major release propositions in mind.

Deal will call for at least two pictures, he said. Wildberg has lined up a quintet of important properties, among which is "Angela Is 22" by Sinclair Lewis. Production set by Skirball with his Arcadia Pictures company for Grand National and other release will be entirely apart from whatever schedule is undertaken by Skirball and Wildberg jointly, it was stated.

Nazis Aping Disney

Berlin (By Cable)—Actuated apparently by the tremendous world-wide gross rolled up by Walt Disney's "Snow White and the Seven Dwarfs," the Nazi film industry will produce its first cartoon feature in color. Fairy tale plot has been written especially for the production.

ALONG THE



WITH PHIL M. DALY

● ● ● DID you say Big Pictures?.....handed to the exhibitors for the summer months when he needs all the help he can get.....all the majors kicked in with important product.....look over the list, and see for yourself that only the exhibitor is to blame if his biz has been dribbly.....

● ● ● FROM M-G-M....."Andy Hardy Gets Spring Fever".....in midsummer it has equalled the top Hardy pic, "Love Finds Andy Hardy"....."Goodbye, Mr. Chips" was nationally released in midsummer.....a cleanup everywhere, with 12 weeks in New York and Losang.....then "Mazie, the Explosive Blonde" doing well....."On Borrowed Time" a great novelty that scored editorial comments everywhere for its unusual quality.....and "Lady of the Tropics".....and "The Glamour Girls," which looks like a sleeper that will score high.....finally, "The Wizard of Oz".....a million-dollar Technicolor smash for August.....with an unprecedented ad campaign of \$250,000, already in full swing for two months in 43 key cities, 99 newspapers, with a weekly teaser ad campaign.....

● ● ● PARAMOUNT stepped up with Summer Specials such as "Man About Town".....with Jack Benny doing a "homecoming" broadcast right in his home town of Waukegan, Ill....."Invitation to Happiness" scored with Irene Dunne and Fred MacMurray....."The Star Maker" will hit high with the Eddie Cantor sponsored birthday party for Gus Edwards on Aug. 18 on the Coast, lining up Gus' proteges....."Our Leading Citizen" will have a broadcast over 66 stations on Aug. 7 in Bob Burns' home town of Van Buren, Ark.....and that national ballyhoo of showing the film to Governors of the various states right in their executive mansions where possible, was some stunt.....

● ● ● FROM 20th Century-Fox the exhibs. have such summer nourishment as "Young Mr. Lincoln," "Susannah of the Mounties," and "Second Fiddle," that ran four weeks at the Roxy.....then "Frontier Marshal".....and now comes "Stanley and Livingstone" preleased in 12 cities early this month.....and almost simultaneously comes "Elsa Maxwell's Hotel for Women" with a national advertising campaign in the Classy Manner with ace artists employed.....

● ● ● WARNERS did their share with "Juarez".....a film that lifted many a box-office out of the red.....the company decided to put this into national release and not roadshow as originally planned, and that was a big help to the exhibs at the right time.....then "Daughters Courageous" and "Each Dawn I Die," both doing great biz.....so Warners kept faith with the showmen by releasing these big ones.....

● ● ● UNITED ARTISTS gave "Four Feathers," "Man in the Iron Mask," "They Shall Have Music," "Winter Carnival".....extended playing time on all.....the Jascha Heifetz picture Outstanding, bringing new audiences to the theater everywhere.....RKO Radio contributed "Bachelor Mother," "In Name Only," and the sleeper "Five Came Back".....all unusual types of pictures that scored.....finally, Universal contributed "Mikado," one of the surprise pictures of the year, breaking records in houses that usually do not play this type of picture.....then "The Sun Never Sets" and "When Tomorrow Comes".....and Joe Pasternak's new discovery, Gloria Jean, 11-year-old singer in "The Underpup," is being touted as a real summer treat for the show houses.....all in all a magnificent lineup of strong attractions from all the companies to help combat the Summer Sickness.....

8,000,000 COMMON 130,000 PFD. FOR RKO

(Continued from Page 1)

agreement had not been completed as yet, but he had the authority of Floyd B. Odum to commit Atlas Corp. for a period of 60 days to underwrite the flotation of \$1,500,000 of stock at a fee to be fixed by Judge Bondy either before flotation or at the time when Atlas makes application for its allowance for its entire services rendered in the reorganization proceedings.

The price of the new stock will be a minimum of three dollars per share, he said, and will require the sale of 500,000 shares to raise the necessary \$1,500,000 new capital.

Judge Bondy stated that he could not fix the underwriting commission for the terms of the agreement without first holding a hearing at which time objections might possibly be raised.

Rickaby explained the necessity of authorizing an 8,000,000 common stock issuance by stating that old debenture holders under the plan will receive 602,697 shares; Rockefeller Center 400,000 shares; unsecured creditors, 800,000; old common shareholders, 429,593; reserved for possible conversion of preferred shares, 1,040,000; reserved for option warrants to be issued to common shareholders, 2,577,554; option warrants for employees and management people, 250,000. Shares of preferred expected to be issued are 127,000, Rickaby declared.

Including the 500,000 shares of stock to be floated, the total issuance will be approximately 6,600,000 shares, Rickaby stated, and it was necessary to have an overage for possible payment in shares for contingent creditors, further option warrants, and the possibility that compensation to attorneys and companies for services in the reorg. proceedings may be made in stock rather than in cash.

In conclusion he stated that the first meeting of the new board had been held on Friday when the by-laws and other documents were approved and the underwriting agreement was discussed.

Hearings were adjourned to next Friday afternoon at 2:30 o'clock. Rickaby stated that he did not expect to have the underwriting agreement completed at that time.

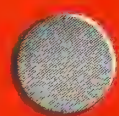
Joe Spieker Dead

Cincinnati—Joe Spieker, 48, manager of the Freeman Theater, died suddenly of a heart attack.

Whodunit?

Lincoln, Neb.—"Our Leading Citizen" will long be remembered by Bob Livingston, Capitol owner-manager here, who furnished the theater for one of the 48-state premieres for chief state execs. Every arm of the law and government was represented—the governor, secretary of state, state attorney general, county attorney, chief of police, and the mayor. Somebody stole Livingston's brand new straw hat!

EVERY
OPEN
TOPPE



And Every Day Since is a

NO
D!

Record Day!

You bet! They even beat
'ANGELS WITH DIRTY FACES'
at the N. Y. Strand pre-release
engagement of

CAGNEY

against

RAFT in

EACH

DAWN

I DIE

JACK L. WARNER
In Charge of Production
HAL B. WALLIS
Executive Producer
DAVID LEWIS
Associate Producer

JANE BRYAN • GEORGE BANCROFT
Directed by WILLIAM KEIGHLEY
A First National Picture • Screen Play
by Norman Reilly Raine and Warren
Duff • From the Novel by
Jerome Odum

That's the way **WARNERS**
ring down the curtain on the
season that started with
'Four Daughters'!

PERFORMER CONTROL SOUGHT BY THE IATSE

(Continued from Page 1)

Executive Council on Saturday. This protest demanded that the A F of L either make Browne and Ralph Whitehead, executive secretary of the AFA, clearly outline their position or that action be taken by the A F of L to immediately stop any jurisdictional "grab" by the IA and AFA in fields in which the AAAA member unions already have been granted complete jurisdiction by virtue of the Four A's A F of L charter.

Charter action by the IA closely followed the ousting of the AFA from AAAA by charter revocation and subsequent AFA application to IATSE for a charter.

Presentation of the charter was made in the IATSE headquarters here by President Browne to Sophie Tucker, proxy of the AFA. At the ceremony were Whitehead, Charles Mosconi, treasurer; Harry Richman, vice-proxy, and other AFA execs. Louis Krause, IA general secretary-treasurer; James J. Brennan, IA vice-president, and other international officers also attended the brief ceremony.

Complete support by the IA of every move that the AFA may make is pledged, it was stated. It was also learned that the IA will provide adequate financial backing.

Immediate effects of the charter move embrace an increase in IA membership from 60,000 to 75,000 and gave Browne his first jurisdiction in the performer field—one which he is reported to have long sought. The IA's claim to performer control was enunciated at the IA's Cleveland convention a year ago, and was reiterated yesterday by Browne.

In reply to a question regarding jurisdiction, Browne said, "the IA claims jurisdiction over actors and all performers in the entertainment field, including stage, screen, radio, television, vaudeville, and other variety domains, are eligible to membership in the AFA under terms of the charter."

However, Whitehead, when asked if the AFA would immediately start organizing in all fields stated that this was not their intention. He said, "we are going to intensify our campaign in our own field and will at the same time accept as members any performer who desires to join."

Browne stated he believed that with an IA charter the AFA could improve working conditions and raise the wages of its members. When asked if the IA-AFA coalition would move into any other field in the entertainment domain, he stated that their jurisdiction would be enlarged as, if, and whenever it became necessary to protect themselves.

In a prepared statement Browne delivered a straight jab at the AAAA, stating that he had conducted a personal investigation of

the charges brought against the AFA by the AAAA, and had found to his complete satisfaction that the charges were unfounded and that the officers of the AFA had conducted the unions' affairs loyally, efficiently and honestly.

He further stated that the contracts of the AFA now in existence will receive the complete protection of the IATSE, and all rights and obligations thereunder will be strictly observed. The aim of the IA will be to build a large, strong organization of the AFA in the theatrical field, his statement concluded.

In a statement issued by the AFA it was stressed that the granting of the charter by the IA had elevated the AFA to the strongest position of any union in the entertainment field. Chief significance of this action by the IA lies in the fact that it brings unlimited support and financial backing for wider organization in the entertainment field, it was significantly stated. Also that it will ensure that agents, employers and producers will book only AFA acts in any spot in which there is an IA stagehand or operator, it was further stated.

The remark in the AFA statement regarding wider organization in the entertainment field was characterized by AAAA executives last night as an outright indication of the true intention behind the move despite the fact that both Browne and Whitehead disavowed any intention of a jurisdictional "grab."

It was further charged by the AFA that the AAAA had hampered the AFA by its lack of interest in the variety field, had refused to advance funds or make loans to further organization of performers and had shown a general apathy toward the union, and that the AAAA lacked any real leaders such as could be found in the IATSE.

Whitehead, following the presentation of the charter, stated that the AFA had never been in such a comfortable position and they now could not possibly desire any other affiliation. He said that thought of an independent A F of L charter had been dropped, but that all books and records of the AFA would be turned over to the A F of L.

Later a statement was issued by President Frank Gilmore of the AAAA which bitterly denounced the action of the AFA in accepting an IA charter and charged Browne with attempting to raid the jurisdiction of the AAAA.

AAAA execs. stated that they were prepared to fight this question to the last ditch, and were well prepared to wage their side of the battle, inferring that they had a number of cards which had not yet been played.

The Gilmore statement asserted that no self-respecting actor would

be a party to the transaction that took place yesterday between Browne and the AFA, and that the AAAA membership will stand firm.

He characterized the move as a treasonable and disgraceful act by certain performers in delivering their brethren to the stagehands, and asserted that the situation will receive immediate attention. It was further stated that any actor who participates in this betrayal of his fellow actors will be the subject of immediate action by the AAAA.

"The next move is up to the A F of L and its executive counsel," Gilmore said. "If they permit raiding of jurisdiction in violation of its constitution, and of our jurisdiction which has been recognized for 29 years in this field, the A F of L is protection to no union."

Following the disclosure that the AAAA had already sent a protest to the AFL, it was learned that an emergency meeting of the executive council of the AAAA will be called immediately to make plans for the unions' further course of action.

Conjecture was rife last night among union leaders and interested third parties as to what may be the eventual outcome of this battle. The means to cripple large portions of the entertainment field lies within the power of both organizations. What immediate action will result could not be determined.

However, the AAAA is breaking precedent and will send a full committee to the Atlantic City meeting of the AFL executive council next week. It is expected that the issue will be fought to a finish there by both sides, with the AAAA demanding that the jurisdictional power of the AAAA be limited to its present status, and Browne is certain to demand that complete jurisdiction in the entire theatrical field be granted to the AFA.

Defies Blue Law Threat

Wilmington, Del.—Threatened arrest of Charles S. Horn, operator of the Blue Hen theater at Rehoboth, failed to materialize up to late yesterday. Deputy Attorney General Daniel J. Lyton, Jr., had said he would arrest Horn if he operated the theater Sunday in violation of the state blue laws. Theater was opened Sunday but no action has been taken as yet.

Playing In Conn. Stock

Barbara Buchanan, film player, opens this week in "Craig's Wife" at the Saybrook Theater, Saybrook, Conn. Before returning to the Coast, she will be seen in a Broadway show this fall.

EXPECT PRODUCERS TO BOW TO CLOSED SHOP

(Continued from Page 1)

officials point out that IA several months ago voluntarily abrogated the closed shop provided for in the basic agreement with the

West Coast Bw., THE FILM DAILY

Hollywood—Following a five hour conference, called yesterday by William R. Walsh, senior counsel for the NLRB, upon request of the United Studio Technicians Guild officials and attended by representatives of guilds, IATSE and producers, it was announced last night that efforts of interested parties to reach agreement to set a date for election of studio workers to designate bargaining representatives will be continued.

Guild officials had previously petitioned the Board to set such a date.

producers, and is now simply seeking a return of that privilege. Although IA is asking that there be only one major agreement between it and producers, each of the 11 crafts represented by IA will be permitted to negotiate separate contracts with producers covering wages, hours and working conditions.

Officials of the United Studio Technicians Guild insist that their organization does not belong to CIO nor does it have any international affiliations of any kind. However, John F. Gatelee, IA international representative, notified Joseph M. Schenck, president of Motion Picture Producers Association, that he has conclusive proof that finances for the Guild are coming direct from Harry Bridges and that the Guild is receiving aid and support from certain communistically inclined individuals in the industry.

Better Than Average Biz For Broadway Film Houses

(Continued from Page 1)

prevailed among World's Fair solons over the comparatively small attendance at the exposition, and which presaged a slash of admission price to 50 cents from 75 cents.

Virtually every house in the Broadway sector grabbed grosses described as above the average for this season of the year, and this was attributed to the quality of the features which prevailed.

Four first-run stands offered a hold-over attraction. These were "Andy Hardy Gets Spring Fever," Capitol; "The Magnificent Fraud," Paramount; "Each Dawn I Die," Strand, all in their second weeks, and "Good-bye, Mr. Chips," in its 12th week at the Astor.

Radio City Music Hall reported very good business with the UA-Wanger opus, "Winter Carnival," as did the Rivoli playing the UA-Goldwyn feature, "They Shall Have Music." A similar report issued from the Roxy where "Frontier Marshal" is the magnet.

OHIO ITO CHECKING DISTRIB. SINCERITY

(Continued from Page 1)

use in their assurances that they would eliminate certain objectionable practices long existent in the industry. The Code provided for the elimination of most of these evils but we are wondering if the distributors are making good on their assurances, or are they intentionally 'side-stepping' certain provisions of the Code which may later be put into effect?

"Please write this office fully concerning any information you may have on this subject. You do not need to cite names unless you want. Make sure that the information is accurate. We especially want information as to whether distributors—

"(1) Are forcing shorts either directly or by insisting upon a contract for shorts before discussing features.

"(2) Are forcing foreign pictures, issues, or westerns.

"(3) Are insisting on increased flat rentals and/or increase in the number of percentage pictures to offset possible loss from exercise by exhibitors of the proposed cancellation privilege.

"(4) Are offering special inducements to waive the cancellation privilege.

"(5) Are waiving guarantees and selling on straight percentage in order to secure preferred playing time.

"(6) Are adding score charges to flat rentals or increasing film rentals to equal the amount of score charges formerly paid on percentage pictures.

"(7) Have discontinued national allocations thus retarding free use of the cancellation privilege and restricting the same to the lowest bracket."

Wis. Root Beer Stand Using Free Pix to Drum Up Trade

Wisconsin Rapids, Wis.—William Randrup, proprietor of the Port Edwards Root Beer stand here advertised "The Crimson Air Devil" talkie, and "Alaskan Daze," a cartoon, as free attractions to drum up trade.

"Chips" Stays In Frisco

San Francisco — "Goodbye, Mr. Chips" is now in its sixth week at the St. Francis Theater.

Dallas Eye-Opener

Dallas—Charlie Meeker, publicity director of Interstate's Dallas nabe theaters, had an idea that the public likes shorts, so he decided to give it a trial. At the Melrose theater (one of the better suburban houses) he arranged to play a complete program of 10 short subjects, exclusive of newsreels. The all-short program produced 125 per cent more business than a normal Thursday.

London Projectionists Union Advocates Technical Institute for Television

London (By Cable)—Evidence of the quick advances being achieved by British television is seen in a proposal by the London Projectionists Branch of the NATKE to establish a technical institute to provide training in the new medium and for consultation with the CEA and major circuits on the same matter.

Monogram Will Distribute Four English Pix in U. S.

(Continued from Page 1)

day on the Normandie. The four, three of which have been completed, include "My Irish Molly," "Dark Eyes of London," "The Gang's All Here" and "Trader Spy."

The pictures were made by Rialto Productions for Pathe release in England.

Johnston said Monogram business in England was good, showing a definite improvement over last year. In regard to domestic business, he said that the last quarter would show a substantial profit.

There is little chance of Monogram producing in England, Johnston said, although several of the company's stars may appear in English-made pictures. Johnston said that English production in general had improved during the last year and that producers were adopting an American slant. More money, he said, was available for production.

Johnston gave an account of his trip to a large group of guests at a luncheon at the Hampshire House shortly after his arrival. Those attending were, in addition to Johnston:

Mrs. Johnston, Madeleine White, Eddie Golden, Leon Fromkess, Harry Iverson, Russell Bell, Charles Dorsa, Charles Morla, Mrs. M. Whitting, Ralph Bettinson, Lou Lifton, Lloyd Lind, Mr. and Mrs. George West, Joe Felder, Hugh Davis, John Herrington, Jerry Brandt, Mae Brandon, Steve Broidy, Ben Welansky, and Mr. and Mrs. Lou Guimond.

Legalization of Screeno in England Seen in Year

Legalization of Screeno in England before the end of the year looms as a possibility, George West, eastern franchise holder, announced yesterday upon his arrival from London on the Normandie. West said that there was a bill now pending in Parliament which would open the way for English theaters to use the game.

West said that he had tentative deals with about 300 theaters, including the Odeon circuit, which would become operative if the bill were passed. He said the measure was being sponsored by Col. Harry Day, M.P.

West plans to return to London in October in connection with the possible introduction of Screeno in England.

Bailey Heads Lions

Warren, O.—Earle Bailey, manager of the Harris Theater here, has been elected president of the Lions Club.

Announce Schine Contest Winners as Parley Opens

(Continued from Page 1)

annual convention of Schine Enterprises, Inc.

From five states and 165 houses came exhibitors to this home office town of the Schine brothers, J. Myer and Louis W. Everywhere the "Welcome mat" was out, and from the time they were greeted on their arrival by an official delegation from the Chamber of Commerce, until the last gun is fired, Gloversville "belongs to the Schiners."

The sessions opened at 10 A.M. in the Community Center with a roll call of all managers, taken by the general chairman, Harold F. Sliter. There followed an introduction of Mayor Chauncey C. Thayer by J. M. Schine. The mayor spoke briefly to the assemblage, yielding the rostrum to J. M. who delivered the address of welcome.

Gene Curtis, head of the Schine publicity and advertising department then announced and led in discussion of Schine's plans for participation in the Industry's Golden Jubilee celebration. Announcement of recent contest winners and a new managers' picture contest followed, with a booking and buying discussion under Chief Film Buyer George Lynch and Head Booker Lou Goldstein. Afternoon sessions today are slated to get under way at 2:30.

RKO Radio Releasing Three Garmes Films

(Continued from Page 1)

productions, first of which will be Mildred Cram's "And So Goodbye." Dick Wallace will direct from a script by Adele Comandini. Garmes is here to complete casting, with picture's start at Eastern Service Studios set for Oct. 1.

(THE FILM DAILY on July 27 exclusively reported that Garmes would produce at Eastern Service).

Each of the three pix planned by Garmes will be budgeted at \$375,000, it is understood. A New York bank is financing.

Garland-Rooney to Appear With "Oz" at the Capitol

(Continued from Page 1)

Mickey Rooney in p. a.'s, their vehicle and act now being prepared and rehearsed on the Coast. Duo will start East next week immediately upon completing their work at Culver City in "Babes in Arms."

Judy and Mickey will continue at the Capitol during the run of the pix; it's the first time in several years that the house has had a stage attraction to supplement the film bill.

«REVIEWS»

"The Old Maid"

with Bette Davis, Miriam Hopkins and George Brent

Warners

95 Mins.

(HOLLYWOOD PREVIEW)

BRILLIANTLY PLAYED VERSION OF PULITZER PRIZE DRAMA SHOULD GET TOP B. O. BIZ.

Enacting the title role of Zoe Atkins Pulitzer Prize play, Bette Davis adds lustre to her list of brilliant performances. She makes very convincing the character of the mother, who sacrifices her best years, so that her daughter may never know she is of illegitimate birth. Miriam Hopkins is splendid as Bette's cousin, while Jane Bryan does her best work to date as the spirited daughter. George Brent, Donald Crisp, Louise Fazenda, Jerome Cowan, William Lundigan and James Stephenson are fine in their respective roles. Edmund Goulding has provided expert, sympathetic direction, and the picture will have especial appeal to femme fans. Henry Blanke rates credit as associate producer. Casey Robinson has contributed an excellent screenplay. Tony Gaudio's photography is high-grade, while Max Steiner's background music is an important factor. On the day of Miriam Hopkins' wedding to wealthy, conservative James Stephenson, George Brent, to whom she has been engaged for two years, appears. Bette, who has always been in love with George, although he did not realize it, slips off with him and they do not return to her home until very, very late. He enlists in the Union Army and is killed in battle. Four years elapse, and Bette has opened a home for war orphans. One of the children is a three-year-old girl, who is the daughter of George and Bette, but this fact is withheld by Bette, until on the eve of her slated marriage to Jerome Cowan, Miriam's brother-in-law, she discloses this information to Miriam. Miriam makes Cowan believe Bette is ill and could not become a mother, and he breaks his engagement with Bette. After the death of Miriam's husband (James Stephenson) Bette and her daughter go to live at Miriam's home. As the child grows up, she regards Miriam as her mother, and it is not until the close of the picture that she learns that Bette never married the man she loved, because that would have meant giving her up.

CAST: Bette Davis, Miriam Hopkins, George Brent, Donald Crisp, Jane Bryan, Louise Fazenda, James Stephenson, Jerome Cowan, William Lundigan, Cecilia Loftus, Rand Brooks, Janet Shaw, DeWolf Hopper.

CREDITS: Executive producer, Hal B. Wallis; Associate producer, Henry Blanke; Director, Edmund Goulding; Based on the play by Zoe Atkins; And the novel by Edith Wharton; Screenplay, Casey Robinson; Cameraman, Tony Gaudio; Art director, Robert Haas; Editor, George Amy; Music by Max Steiner; Orchestral arrangements by Hugo Friedhofer; Musical director, Leo F. Forbstein.

DIRECTION, Expert. PHOTOGRAPHY, Fine.

Swell Example

Wilmington, Del. — One Wilmington employer spends \$10 to \$15 a week for movie admissions for his employees and their families, alternating between the Warner and Loew's theaters.

"A SHOT IN THE ARM TO BROADWAY'S ANEMIC BOXOFFICE!"

—cheers N. Y. Daily News

20th's climax 1938-39 hit packs
the Roxy . . . peps up the critics
...hurrahs all New York...comes
within a split-inch of topping
"Second Fiddle's" record open-
ing! Flash finish for a smash
season!

RANDOLPH SCOTT • NANCY KELLY

in **FRONTIER MARSHAL**

with
Cesar ROMERO • Binnie BARNES • John CARRADINE

Executive Producer Sol M. Wurtzel
Directed by Allan Dwan • Screen play by Sam Hellman
Based on a book by Stuart N. Lake



THE KEYSTONE OF YOUR FUTURE

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 22

NEW YORK, WEDNESDAY, AUGUST 2, 1939

TEN CENTS

1939 U. S. Pix "Take" in Japan at Record \$1,640,000 IA CINCHING HOLD ON THEATRICAL FIELD VIA TMAT Six Motion Picture Stocks Gain \$22,739,029 in July

On "Rights"

... don't forget these

By CHESTER B. BAHN

PLENTY of talk in craft and talent circles both East and West—yes, and in between as well—these sultry dog days about "rights," jurisdictional and otherwise.

But as verbal controversy continues to the accompaniment of rising tempers, and threats of direct action are heard, it might be well for the disputants—all of them—to remember that when it comes to "rights," there are others no less clearly entitled to consideration.

For instance, what about the "right" of the producer to concentrate on quality production, untroubled by union fratricide?

What about the "right" of the distributor to market an even flow of product without strike interruption?

What about the "right" of the exhibitor to profitably operate his theater in peace?

And, in the last analysis, most important of all, what about the "right" of John Q. Public and his kinfolk to forget the day's trials and tribulations at the film theater around the corner?

If this columnar commentator was a party to the controversies waging—or is raging the proper word?—on both the Atlantic and Pacific seaboard rather than a sidelines observer, he'd think twice, even three times, if necessary, before reaching a decision that spelled a labor war.

The temper of the times, in this instance, symbolized by John Q. Public, is against it. Decidedly and unequivocally.

THIS being a year of glorification in Hollywood, witness the procession of biographical pictures on studio schedules, some producer could do much worse than pay a cinematic tribute to the unnamed Wilmington employer whose beneficence was heralded in a box on page 7 of your favorite trade journal yesterday.

As reported, it is that gent's weekly practice to invest up to \$15 in tickets to local Warner and Loew's theaters for distribution among his hired hands.

May his tribe increase!

Appreciation Represents Upward Bound of 15.4 P. C. in Period

Six motion picture issues, according to Wall Street compilation yesterday and covering the month of July just ended, showed a total appreciation of \$22,739,029 and a 15.4 per cent gain for the period.

Issues comprised, together with valuation boosts, Columbia Pictures with \$268,937; Loew's, Inc., \$9,577,850; Paramount Pictures, \$4,317,731; RKO, \$596,194; 20th

(Continued on Page 4)

NBC DROPS FILMS FOR TELEVISION PROGRAMS

United front of the majors in refusing use of their films, and the shortage of available indie releases, is believed to be behind yesterday's announcement from RCA-NBC that

(Continued on Page 7)

Schine Advt. Department Plans "Movie-Line" Contest

Gloversville, N. Y. — Schine theater managers from five states heard film advertising criticized as still in the nickelodeon days of the

(Continued on Page 7)

SCHENCK HEADS LABOR SURVEY

Special AMPP Com. Findings Will Determine Policy

West Coast Bureau of THE FILM DAILY
Hollywood — Policy of the Association of Motion Picture Producers in the present labor crisis here will



JOSEPH M. SCHENCK

Committee, instructed to study

(Continued on Page 9)

AAAA Complains to Green on AFA-IATSE Charter

Attacking the action of George E. Browne, IATSE prexy, in giving an IA charter to the AFA this week,

(Continued on Page 9)

Union to Vote to Apply for IATSE Charter at Meeting Tomorrow

By HOLLIS KENNAHAN

FILM DAILY Staff Writer

The Theatrical Managers, Agents and Treasurers union will vote in favor of applying for an IATSE charter at an emergency membership meeting tomorrow night in the Capitol Hotel, with the charter scheduled to be given to them by the IA by the latter part of next week, thus further strengthening the IA's position in the theatrical field, it was reliably reported yesterday.

Although the TMAT, also an A F of L union, ceded back to the parent body in 1934 its charter-granted

(Continued on Page 9)

MICH. CO-OP NAMED IN ANTI-TRUST SUIT

Detroit—Charging monopoly and prevention of open competition in obtaining pictures, the Midwest Theater Co. has filed suit against Co-operative Theaters of Michigan under the Sherman anti-trust act. The suit, which was filed in Federal

(Continued on Page 10)

Substantial Improvement of RKO Reported by Atlas

That the operations of RKO Corp. showed a substantial improvement in the first six months of 1939 as compared with the similar period in 1938, was declared yesterday to

(Continued on Page 4)

Defense Substitution Permitted In Ohio Suit

Columbus, O. — Permission has been granted for the substitution of defense in two Ohio taxpayers suits to force collection of sales tax on

(Continued on Page 4)

Treaty Rupture Hangs Like Cloud Over Climbing U. S. Film Revenue in Nippon

Albany Film Truckers Strike is Short Lived

Albany—Strike of film truckers at the local exchange here was short lived. Demand was served upon branch managers that the major companies force certain independent exhibs. to abandon practice of pick-

(Continued on Page 7)

Denunciation of the American-Japanese commercial treaty of 1911 last week by the State Department, effects of which most likely will include the withdrawal of U. S. product from Japan during or before the latter part of January, 1940, unless a rapprochement between the two countries is effectuated, came at a time when Amer-

(Continued on Page 8)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 22 Wed., August 2, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	13 1/2	13 1/2	13 1/2	+ 1/4
Col. Picts. vtc. (2 1/2%)	9 1/2	9 3/8	9 1/2	0
Col. Picts. pfd.				
Con. Fm. Ind.	1 3/8	1 1/4	1 3/8	+ 1/8
Con. Fm. Ind. pfd.	11 3/4	11 1/2	11 3/4	+ 1/4
East. Kodak	171	171	171	- 1/4
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	46 1/4	45 7/8	45 7/8	- 3/4
do pfd.				
Paramount	9 7/8	9 3/8	9 7/8	- 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10 3/4	10 3/4	10 3/4	0
Pathe Film	12 7/8	11 7/8	12 1/2	+ 1/4
RKO	2	2	2	0
20th Cent.-Fox	20 3/4	20 3/4	20 3/4	+ 3/8
20th Cent.-Fox pfd.				
Univ. Pict. pfd.	69	69	69	+ 1
Warner Bros.	5 1/8	5 1/8	5 1/8	- 1/8
do pfd.	55 1/2	55 1/2	55 1/2	+ 3/8

NEW YORK BOND MARKET

Keith B. F. ref. 6s46			
Loew's deb. 3 1/2s46			
Par. B'way 3s55	51	51	51 + 1
Par. Picts. 6s55			
Par. Picts. cv. 3 1/4s47	91	90 7/8	90 7/8 - 1/8
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. dbs. 6s48	90 1/4	90 1/8	90 1/8 - 1/8

NEW YORK CURB MARKET

Monogram Picts.			
Scotone Corp.			
Technicolor			
Trans-Lux	1 1/2	1 1/2	1 1/2
Universal Corp. vtc.	3 3/4	3 3/4	3 3/4
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	100 1/2	102 1/8
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	65 1/4	67 1/4

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

Sales Heads and Counsel Still Huddling

Major sales heads and attorneys continued their code confabs in the Yacht Room of the Hotel Astor yesterday but up to late last evening no report had been made as to the status of the draft. It was believed that the revisions were near completion. Reliable sources indicated that the changes made in the code were of comparatively minor importance.

Technicolor Scores Victory in Tri-Color's Patent Suit

West Coast Bureau of THE FILM DAILY

Los Angeles—Technicolor Motion Picture Corp. yesterday won a patent infringement suit brought against it by Tri-Color, Inc.

Plaintiff sought permanent injunction restraining the defendants from making, using and selling cameras and apparatus embodying improvements in duplex cameras, whereby they were made adaptable in color film photography.

Case was tried two years ago before Federal Judge William P. James, whose decision yesterday followed extensive technical and legal research.

235 Simultaneous Dates Set on Warners' "Dawn"

A total of 235 simultaneous playdates, all for preferred playing time, have been set on Warners' "Each Dawn I Die," for the week of release, Aug. 19. The feature is playing to top biz in over a dozen keys where it opened for pre-release engagements last week, home office reports.

National Law Governing Animals In Pix Sought

Attempt is to be made by the American Humane Association, supported by affiliates, to have a national law enacted to prevent alleged cruelty to animals during filming of motion pictures, it was disclosed yesterday.

The Association intends pressing for a board of its own members to pass upon the question as to whether any act against an animal in the course of the making of a film is one which constitutes cruelty.

Washington Preview for "Our Leading Citizen"

Washington Bureau of THE FILM DAILY

Washington — Bob Burns' new Paramount picture, "Our Leading Citizen" will be shown here tonight in the Federal Government's projection room in the National Archives Bldg. as a prelude to the world premiere of the film on Aug. 7 in Burns' home town, Van Buren, Ark.

The screening, arranged by Senator John E. Miller of Ark., will be attended by two members of the President's cabinet, Attorney General Frank Murphy, Secretary of Labor Perkins, 63 Senators, the six members of the House of Representatives from Arkansas and other government officials.

Stearn Closes UA Deals With Indianapolis Chains

Cleveland — Bert Stearn, United Artists district manager, just back from a swing around his offices reports 1939-40 contracts closed in Indianapolis with the following circuits: Affiliated Circuit, involving 20 houses; Maller Circuit, 5 houses; Rembush Circuit, 3 houses; Dolle Circuit, 6 houses.

The Pittsburgh office closed the Scott Circuit with 12 houses, the Shea circuit in Buffalo and Chris Velas' 5 Ohio and 2 Pittsburgh theaters.

Cleveland—Lester Zucker, Columbia branch manager reports that his office has closed 1939-40 product deals in all key situations in his territory outside of Cleveland. Cleveland always buys late and this year is no exception.

Rowland Closes UA Deal For One Feature This Year

Deal has been closed whereby Richard A. Rowland will produce one picture for United Artists release. Feature will be "Three Cheers for Miss Bishop" and will star Barbara Stanwyck, with Archie Mayo directing.

Rowland also is said planning to make a feature titled tentatively "End of the Rainbow," a story based on the Donner expedition in the Sierras.

\$2,700 Awards to B & K Mgrs. in Better Business Contest

Chicago — Prizes totaling \$2,700 were awarded yesterday by John Balaban, president of Balaban & Katz, to 16 B & K managers following a 13-week better business contest. During the luncheon at the Bismarck Hotel, Balaban told the managers that showmanship on their part resulted in good business during the dull period.

Roy Bruder headed the winners with other leaders including A. P. Conroy, Harry Odenthal, George Romine, and Bill Briscoe.

Sunday Show Brings Fine

Wilmington, Del. — Charles S. Horn, proprietor of the Blue Hen Theater, Rehoboth Beach, was arrested Monday on a Sabbath violation warrant sworn out by State Detective Elwood Wilkins, pleaded guilty at a hearing before Magistrate L. L. Thompson, was fined \$4 and released.

COMING AND GOING

HOWARD DIETZ, ad. and pub. chieftain M-G-M, arrives here next week on the Queen Mary.

MAX MILDER, managing director for Warn in Great Britain, sails for London Aug. 9.

STEVE FITZGIBBON, studio manager Fox Movietone studio, sails today for vacation in Europe.

GEORGE A. NOFFKA, Eastern Service Stud manager, leaves next week for a month's vacation on the Coast.

CHARLES BOYER, PAT PATTERSON, and R. NORR, sail today for Europe on the Normandie.

ORLANDO LOPEZ HIDALGO, Cuban exhibitor, was a visitor yesterday at the Warner World Fair headquarters in the home office.

ERROL FLYNN and his father, PROFESSOR THEODORE FLYNN, arrive here tomorrow en route to South America.

HERBERT RUDLEY and HOWARD DE SYLV, members of the original cast of "Abe Lincoln in Illinois," arrive in Hollywood this week to assume their original roles in the RKO screen version of the play.

GEORGE C. GOULD, Minnesota exhib., was recent visitor at the RKO Lounge.

CARLYLE BLACKWELL, star of the silver screen, is in New York to take over a post with the Calvert Distillers Corp.

LORENZO DELRICCIO, 20th-Fox cameraman, sails today for Europe on the Aquitania.

SID RECHETNIK, Warner publicist, starts vacation at the week-end.

FRED ULLMAN, RKO Pathe vice-president, has arrived in California's Imperial Valley from Nevada on a continuation of a film locale trip.

HERBERT DRAKE, general coordinator for Orson Welles, has arrived on the Coast from New York.

CHARLIE KRANZ of Select Attractions, Inc., has arrived in Frisco from New York.

ARCH BOWLES, president of the California Theater Association, has returned to the Coast.

HAROLD J. FITZGERALD, general manager of Wisconsin Amusement Enterprises, has returned to Milwaukee.

ROSE KLEIN of M-G-M's home office is in Cincinnati for several weeks.

PHILIP HARRINGTON, M-G-M's Cleveland office manager, and his wife, are in Canada on a vacation.

White House Drops Duals

Cincinnati—Maury White, through Martin Shear, manager, announced The Hippodrome, Newport, Ky., will discontinue duals, and for first-run A's. The Strand theater will play subsequent runs only at 10c admission till 6 P.M.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 2

Jack L. Warner

Myrna Loy

Claude Gillingwater

Hal Mohr

Olga Baclanova

Glenn Tryon



M-G-M's **"THE WIZARD OF OZ"** is coming!

Yesterday it was previewed at M-G-M's Home Office. It is one of the great pictures of all time, perhaps the greatest picture ever made!

Beyond your wildest dreams are its Technicolor wonders, as thousands of living actors create screen magic to thrill the world! Its appeal is unmatched since "Snow White."

Preceded by a \$250,000 advertising campaign in national magazines and newspapers, "THE WIZARD OF OZ" will have the greatest list of simultaneous bookings ever made on any film. Watch the column to the right GROW!

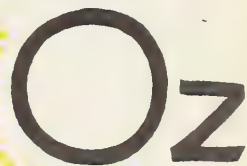
M-G-M's Technicolor Wonder Show "THE WIZARD OF OZ" with Judy Garland • Frank Morgan • Ray Bolger • Bert Lahr • Jack Haley • Billie Burke • Margaret Hamilton • Charley Grapewin and The Munchkins
A VICTOR FLEMING Production • Screen Play by Noel Langley, Florence Ryerson and Edgar Allan Woolf • From the Book by L. Frank Baum • Directed by Victor Fleming • Produced by MERVYN LEROY



Watch the list GROW!

United Artists, Chicago • Grand, Atlanta
Vendome, Nashville • State, Memphis
State, Houston • State, New Orleans
Midland, Kansas City • State, St. Louis
Palace, Indianapolis • Loew's, Louisville
Victory, Evansville • Loew's, Rochester
State, Syracuse • State & Orpheum, Boston
State, Providence • Palace, Washington,
D.C. • Century, Baltimore • State, Norfolk
Parkway, Wilmington • State, Cleveland
Valentine, Toledo • Loew's, Akron
Loew's, Canton • Loew's, Dayton • Ohio,
Columbus • Penn, Pittsburgh • Colonial-
Reading • Regent, Harrisburg • Carolina,
Charlotte • Shea's Great Lakes, Buffalo
Orpheum, Denver • State, Minneapolis
Paramount, St. Paul • Wisconsin, Mil-
waukee • Palace, Albany • Palace, Dallas
Majestic, San Antonio • Criterion, Okla-
homa City • Omaha, Omaha • United
Artists, Portland • Ritz, Tulsa • Warfield,
San Francisco • Des Moines & Roosevelt,
Des Moines (Day and Date) • Fifth Ave.,
Seattle • Carthay Circle, Los Angeles • Catar-
act, Niagara Falls • Virginia, Champaign,
Ill. • Colfax, South Bend • Centre, Salt
Lake City • Indiana, Terre Haute • Lyceum,
Duluth • Riviera, Binghamton • Grand,
Topeka • Miller, Wichita • Colonial, Al-
lenton • Broadway, Kingston • Bardovan
Poughkeepsie • Paramount, Oakland
Warner, Youngstown • Lincoln, Trenton
Ellanay, El Paso • State, Portland, Me.
Fox, Spokane • Music Box, Tacoma
Academy, Meadville, Pa. • Drake, Oil
City, Pa. • Cambria, Johnstown, Pa. • Penn,
New Castle, Pa. • Menlo, Charleroi, Pa.
State, Altoona, Pa. • Lyceum, Kittanning,
Pa. • Manos Band Box, Vandergrift, Pa.
Colonial, Elmira, Pa. • American, Roanoke
Ceramic, E. Liverpool, Ohio • Havens,
Olean, N. Y. • Princess, Modesto, Calif.
Pine Tree, Klamath Falls, Ore. • Madison,
Peoria • Orpheum, Springfield, Ill. • Regent,
Grand Rapids • Capitol, Flint • Strand,
Lansing • State, Kalamazoo • Ute,
Colorado Springs • Lincoln, Cheyenne
Lafayette, Lafayette, Ind. • Keith Albee,
Huntington, W. Va. • Ohio, Lima • Gillioz,
Springfield, Mo. • Morgan, Ironwood,
Mich. • State, Easton • Rialto, Williams-
port, Pa. • Capitol, Charleston, W. Va.
Mayfair, Asbury Park • Majestic, Perth
Amboy • Ohio, Sandusky.

Just the Start!
Hundreds on the way!
Watch it GROW!



SIX FILM STOCKS GAIN \$22,739,029

(Continued from Page 1)

Century-Fox, \$3,701,805; and Warner Bros. Pictures, \$4,276,512.

Net change for the month in these instances were: Columbia, plus $\frac{3}{4}$; Loew's, plus $5\frac{1}{4}$; Paramount, plus $1\frac{1}{4}$; RKO, plus $\frac{3}{8}$; 20th-Fox, plus $2\frac{1}{8}$; and Warners, plus 18.

Defense Substitution Permitted in Ohio Suit

(Continued from Page 1)

film rentals, with the ITO of Ohio using exhibitor Frank J. Ferguson and the MPPDA, Universal Pictures and Cleveland Theaters, Inc.

First move by attorneys Carlton Dargusch (ITO) and Robert Barton (MPPDA) was the filing of separate dilatory motions yesterday.

Inasmuch as the judges of the Franklin County Court of Appeals are vacationing, they will require approximately two weeks for a ruling on the technicalities, as questioned by the defense. Regardless of the judge's decision, the next move will be the listing of the cases on the docket prior to naming of trial date next month.

English-Scottish Tele Network Planned by BBC

Montreal—A network carrying television to every home in the United Kingdom is a possibility in the near future, according to Sir Allan Powell, chairman of the BBC's board of governors, now in Montreal.

Although programs are at present restricted to an area of between 50 and 70 miles in the neighborhood of London, plans are under way to establish a center for television in Birmingham which will be hooked up with the London studios, and from there, according to Sir Allan, it should be possible eventually to extend the sight and sound network to each city of size throughout England and Scotland.

Tennis by NBC Tele

First attempt to televise tennis on this side of the Atlantic is scheduled by NBC next week when it will use two cameras to cover the Eastern championships at Rye.

Telefilm Festival

U. S. tele's first international film festival began last night with the showing of "Generals Without Buttons" (French), over NBC's Station W2XBS. The second film feature will be "Edge of the World," an English production to be televised tomorrow at the same hour.

Festival continues to Aug. 25, the six temporarily replacing evening studio presentations. Scheduled are "My Heart Is Calling" (Friday), "Mlle. Mozart" (Aug. 8) and "Hell's Angels" to be shown in two telecasts, (Aug. 10-11). "Grand Illusion" (Aug. 18), "The Marines Are Coming" (Aug. 22), and "Abraham Lincoln" (Aug. 24).

ALONG THE



WITH PHIL M. DALY

● ● ● THE COMMITTEE working through the Hays office is about ready to submit the Fiftieth Anniversary manual to the theater operators of the nation.....in looking over the advance proofs, what impressed us was the sincerity and co-operative spirit of the entire undertaking.....the Committee makes no attempt to tell the exhibitor what he should do.....they merely submit a wide range of helpful suggestions.....it is up to the showman to adapt any available material to the particular requirements of his clientele and community.....

● ● ● PRINCIPAL emphasis of the campaign centers on the week of Oct. 1 to 7.....because of the fact that Oct. 6, 1889, was the date when Thomas A. Edison perfected his Kinetoscope and witnessed pictures in motion, printed on Eastman film.....so that marks the birth of the motion picture industry so far as Americans are concerned.....

● ● ● OFFICIAL announcement of the Anniversary will be made by Will Hays through a press statement on August 15.....and so the manual impresses upon exhibitors the importance of stepping out with this announcement as the lead-off for their local activities.....it is assumed that every live theater owner or manager will have co-operated with fellow exhibitors in organizing a committee that will represent the industry in his community.....to establish and maintain contact with the press, libraries, schools, motion picture councils, clubs, merchants....

● ● ● THE central theme of the Anniversary is "Half A Century of Progress".....this enables the theater operator to enlist the co-operation of all constructive elements in his community in a general community-wide recognition of progress in the past 50 years.....the manual then lists a plethora of ideas and suggestions on how the various community organizations and business activities can utilize the idea to point with pride to their particular progress.....for the exhibitor, it gives him exceptional opportunities to tie his current attractions in with various civic and business organizations.....a highly entertaining series of four newspaper articles is available for local use, giving the highlights of the motion picture developments in the past 50 years.....these articles are splendid examples of journalistic brevity combined with reader interest.....and typical of the intelligent planning and hard work that has gone into the preparation of this splendid Manual.....

● ● ● HERE is another fine Manual sparkling with showmanship qualities.....Warners' Showmen's Manual for 1939-40.....containing cast information and thumbnail story synopses of the new season's releases.....also a resume of the exhibitor and newspaper services.....these cover every possible phase of theater activities.....the exhibitor is asked to check any services in which he is interested and send the list to the home office.....Sales Manager Grad Sears has a foreword stressing the fact that 29 years of service and progress toward a definite goal culminates in the new season lineup.....and that the magnificent list of properties listed is the materialization of the company's motivating thought: "Quality Is Not a Passing Fashion".....and glancing through such titles as "Life of Beethoven," "The Story of John Paul Jones," "Disraeli," "The Moon and Sixpence," "We Are Not Alone," and a score of others, brings the conviction that the above dictum is not merely a prettily turned phrase but a living and vital company policy that becomes the exhibitor's B. O. insurance policy.....if he has the sense to so interpret the obvious.....

ATLAS CORP. REPORTS SUBSTANTIAL RKO GAIN

(Continued from Page 1)

shareholders of Atlas Corp. by latter organization's president, Floyd B. Odum, coincident with the release of Atlas' report for the first six months ended June 30, 1939.

Odum also expressed the conviction that there will be prompt completion of the RKO reorg., since recent unanimous decision of the U. S. Circuit Court of Appeals on July 19, last.

The Atlas statement put net income for the period at \$569,257.98 for itself and investment company subsidiaries; surplus, after deducting net unrealized depreciation of assets, at \$19,109,760.21; and net assets of \$57,674,150.21 shown in the Statement of Financial Condition at June 30, 1939.

Company listed in schedule of securities in portfolio RKO Corp. debentures 6 per cent 1941, represented by full-paid certificates, in principal amount of \$2,169,850 and valued on June 30 market quotations at \$1,459,224.37; RKO Corp. debentures 6 per cent 1941, in principal amount of \$268,776, valued on same date at \$180,751.92 according to June 30 market quotations; 4,300 shares of Paramount Pictures, Inc. 6 per cent convertible cumulative First Preferred, at \$382,700 on June 30, last; 5,000 shares of Paramount's 6 per cent Second Preferred, \$45,000 on June 30; 7,000 shares of General Theaters Equipment Corp. common, \$75,250 on June 30; 17,400 RKO common; \$28,275 on June 30; and 310,412 RKO Corp. common, represented by full-paid certificates, at \$504,419.96.

Mayer & Burstyn Releasing 8 in First Half of '39-40

Eight imported productions will be released by Arthur Mayer and Joseph Burstyn during the first half of the 1939-40 season. Titles of the pictures are:

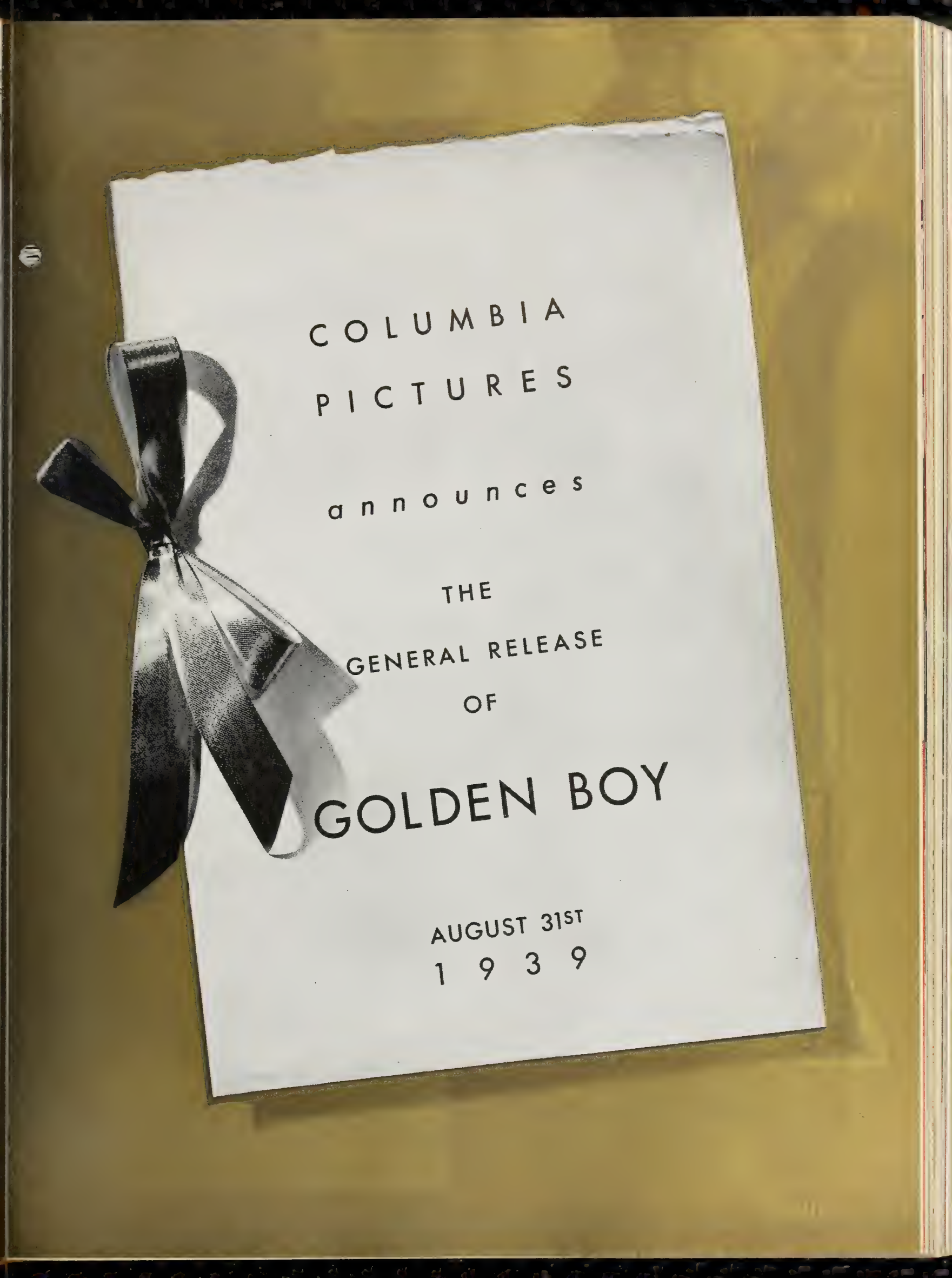
"Katia," starring Danielle Darrieux and John Loder, directed by Maurice Tourneur; "Louise," with Grace Moore in the title role; "Revolt of the Dead," "Song of the Streets," "Whirlpool," "Shadows of the Past," "Mozart" and "Gulliver's Travels," the latter featuring a cast of puppets.

Chi. Schools Buy Film

Chicago—Paul Edwards, director of visual education for Chicago schools, reports the purchase of 6,000 reels of film for educational purposes.

Jumping the Gun

Grand Rapids, Mich.—The Butterfield Circuit isn't waiting for the industry's Golden Jubilee. Circuit yesterday inaugurated its own Greater Movie Season, annually observed in August during the last 10 years.



COLUMBIA
PICTURES

announces

THE
GENERAL RELEASE
OF

GOLDEN BOY

AUGUST 31ST
1 9 3 9



**Joe Bonaparte...HE WANTS
TO BE A BIG SHOT**



**Lorna...SHE'S THE
DAME FROM NEWARK**



**Moody...HE
LOVES LORNA**



**Papa Bonaparte...
HE WANTS HIS SON**

*You've never met such
fascinating people...*



**Fuseli...HE WANTS
A CHAMPION**



**Roxy...HE WANTS
THE BOY TO WIN**



**Anna...SHE
LOVES SIGGIE**



**Siggie...HE LOVES
THE DUCHESS**



Golden Boy

**Tenderly...The Screen
Tells A Heart-Warming
Story of Emotional
Conflict and Romance!**

ADOLPHE
BARBARA
STANWYCK • MENJOU • HOLDEN
WILLIAM
Produced by WILLIAM PERLBERG
A ROUBEN MAMOULIAN PRODUCTION • Screen play by Lewis Meltzer, Daniel Taradash, Sarah Y. Mason, Victor Heerman
Based upon the Group Theatre play by CLIFFORD ODETS • A Columbia Picture



SCHINE ADVT. DEPT. PLANS OWN CONTEST

(Continued from Page 1)

movies at the opening session of the four-day Schine convention in the Community Center Auditorium here. The criticism was leveled by Gene Curtis, Schine advertising and publicity head, who pleaded for a new approach to the problem.

One answer had been evolved by the Schine advertising department, he said, and then proceeded to outline a new "movie-line" contest which not only advertises the picture, but uses the appeal of contests, so widely utilized in modern industry, to attract the reader to the advertising. Cash and other prizes are provided, final prizes to be for the complete series of answers, whether original or otherwise.

Contest is to be conducted by Schine houses, either through newspaper advertisements or by heralds. It is not a lottery or drawing, and meets with all legal restrictions on such, he said.

Another highlight of the first day's session was provided by Douglas Leishman, head of the personnel department, who talked on "Manpower." He stressed the wisdom of getting the best type of man possible for the job, no matter how small the task. "The Schine organization believes in developing its men from within. It tries to make its own executives," he said. "Such men are loyal and they have learned the business from the ground up." To illustrate his point he revealed that 14 former Schine doormen and ushers had become theater managers in the past year.

At the start of the morning session General Chairman Harold F. Sliter announced the winners of contests on three recent pictures. They are "Dark Victory," Frank Nolan, Athens, O.; Sam Shafer, Herkimer, N. Y.; Frank Boucher, Gloversville; Wally Allen, Lexington, Ky.; Jack Frisch, Mayville, Ky.; John Makemson, Paris, Ky.; Joe Schwartzwalder, Auburn, N. Y.; John Manuel, Delaware, O.; Harold Koren, Federalburg, Md.; and Ted Barker, Fostoria, O.

"Love Affair," Gus Lampe and Harry Unterfort, Syracuse; George Bannan, Vanwert, O.; Milton Schosberg, Glens Falls, N. Y.; Harold Lee, Bath, N. Y.; Leon Shafer, Corning, N. Y.; Walter Powers, Oswego, N. Y.; Bob Anthony, Piqua, O.; Fielding O'Kelly, Amsterdam, N. Y.; Jerry Fowler, Lockport, N. Y.; Nick Kauffman, Little Falls, N. Y.

"Prison Without Bars," Lou Hart, Gloversville; H. M. Addison, Watertown, N. Y.; Bob Anthony, Piqua, O.; Harry Stearn, Lexington, Ky.; Tom Whalen, Oneonta, N. Y.; Arnold Rittenberg, Amsterdam, N. Y.; Abraham Cohen, Massena, N. Y.; Eddie May, Corbin, Ky.; John Makemson, Bourbon, Ky.; and John Tucker, Rochester.

Other speakers included Major Louis Lazar, Ohio and Kentucky zone managers, who discussed the ques-

FILM CODE ANALYZED

By LOUIS NIZER

EDITOR'S NOTE: THE FILM DAILY today presents the twenty-seventh and final installment of a comprehensive analysis of the proposed Trade Practice Code (Revision of June 10) by Louis Nizer, member of the law firm of Phillips & Nizer, and authority on the law of screen, stage and radio.

Installment No. 27

XII. COST OF ARBITRATION

Permanent Arbitration Board: The Permanent Arbitration Board shall not assess costs in any arbitration.

Special Arbitration Board: The Special Arbitration Board shall assess as costs only the fees of the arbitrator or arbitrators. Such costs may be assessed against one or more of the parties in such proportion as is considered just and proper, and without regard to which party requested the Special Arbitration Board.

Filing Fees: The \$5. filing fee shall be applied toward the payment of expenses of arbitrations in the Exchange territory where collected.

If Filing Fees Insufficient: If the filing fees collected are insufficient to pay the expenses of the arbitrations, the distributors, affiliated exhibitors and organized exhibitor groups who are entitled to participate in the appointment of the panel of neutral arbitrators for such territory, shall provide the necessary funds.

Apportioning Contributions: If the distributors, affiliated exhibitors and organized exhibitor groups are unable to agree upon a fair apportionment of the expenses, such apportionment shall be made by a Special Arbitration Board. In that case, however, the distributors and affiliated exhibitors shall be considered one party and the organized exhibitor groups shall be considered the other party.

35,000 Slide Projectors Used by American Industry

Chicago — Approximately 35,000 sound slide film projectors are now in use by business organizations, it is estimated by Burton W. Depue, general manager of Burton Holmes Films, Inc.

tion, "What Is a Theater Manager?" William Tubbert, by means of patronage charts showed how to analyze the territory served by any given theater. He praised newspapers as an advertising medium, particularly in rural areas where heralds and posters do not penetrate. Clint Young took the topic "Does Good Housekeeping Fill Seats?", answering strongly in the affirmative. Lew Hensler, Kentucky district manager, won applause with his definition of "Your Theater's Place in the Community." He urged managers to join civic clubs and take part in all partisan civic activities.

After other talks on insurance, games and various theater problems the sessions recessed at six p.m. and at eight o'clock a dinner for the managers was served at the Hotel Johnston. E. M. Vogel, was the principal speaker. He was introduced by M. C. Bob Hall.

Tomorrow the convention will hear executives from the major companies, the day to be climaxed with a dinner at which Carl Milliken of the Hays office will be the speaker.

New York delegation leaves Grand Central at 3:35 p.m., E. S. T. tomorrow, and arrives in Fonda at 7:58.

Oklahoma Allied Urges Delay in Picture Deals

Oklahoma City — Special bulletin advising indies not to sign any product contracts before September unless it is absolutely necessary to do so in order to keep operating, has been issued by George W. Sumner, corresponding secretary of Allied Theater Owners of Oklahoma, Inc.

It urges independents not to sign any arbitration agreements also.

Pointing with pride to the passage of the Neely bill by the Senate, the bulletin asks members to send letters of appreciation to state Senators and get in touch with members of the House of Representatives immediately.

It also scores trade papers at length for printing stories of alleged dissension within the Allied Oklahoma organization over its affiliation with Allied nationally.

Four UA Pix Doing Heavy Biz in London Theaters

United Artists pictures which are doing the heaviest business in London are "Wuthering Heights," "Four Feathers," "Stage Coach" and "The Man in the Iron Mask," according to Arthur Silverstone, assistant managing director in England, who is on a visit here. Silverstone is the brother of UA's director of worldwide operations.

"Four Feathers," Silverstone said, would gross approximately \$300,000 in its 10-week first-run engagement.

Fair Admish Cut . . . And No Boone

Formal announcement issued by Grover A. Whalen recounts that, effective immediately, the admish price to the New York World's Fair on Saturdays and Sundays is slashed from 75 cents to 50 cents, but that the 75 cent levy will stand on other days of the week. The 40-cent price after 9:30 p.m. on all days will also continue. Whalen also announced resignation of Perley Boone as director of press of the Fair, and appointment of Leo Casey, former New York and Washington newspaper man, as director of public relations.

NBC DROPS FILMS FOR TELEVISION PROGRAMS

(Continued from Page 1)

the last of the film programs will be telecast Aug. 25, and that after that date television programs will be made up of live talent shows and special events.

While no official explanation is given, belief is that the film shortage caused the move, the station being limited to foreign films, reissues, shorts and commercials, due to the majors' ban on the use of their films.

NBC's station W2XBS is currently telecasting an international film festival which is to be concluded Aug. 25.

Albany Film Truckers Strike is Short Lived

(Continued from Page 1)

ing up their prints and use the regular trucking services.

The strike was not called by the transport companies, whether or not their sympathies were attracted by the situation. The truckmen, apparently under instructions from the union, would not move the prints and for a time it appeared that the theaters would be tied up in this area.

Understood to be the particular object of truck drivers were exhibitors in the Saratoga and Hudson area, although several independents in the district pick up their own prints from the exchanges.

Affair was temporarily settled with an informal promise that efforts would be made to secure print transportation by the regular transport companies.

Morrison and Curtis Will Combine New York Offices

Leo Morrison and Jack Curtis have arranged to combine their New York offices. Curtis will represent Morrison in New York. He will be associated with Morrison in New York and Hollywood, making his headquarters in Morrison's New York office at 1776 Broadway. Curtis leaves for New York on Monday to start reorganization of their New York activities. Morrison-Curtis office will represent artists for Broadway shows, radio, television, vaudeville and films to be produced in New York and London.

Para. Signs Shannon

Harry Shannon, stage star of "Mrs. O'Brien Entertains," has been signed by Paramount for "Defense Attorney." Shannon is under contract to Lou Irwin and this is his first pix assignment. Peggy Moran, also under contract to Irwin, has been signed by Universal for long term contract.

★ REVIEWS OF THE NEW FILMS ★

"Fugitive at Large"

with Jack Holt, Patricia Ellis and Stanley Fields

Columbia-Darmour 63 Mins.

(HOLLYWOOD PREVIEW)
DIFFERENT SORT OF HOLT VEHICLE
SHOULD PLEASE MASS AUDIENCES.

Differing somewhat from most of the former Jack Holt stories in plot and locale, this production is nicely geared and will please mass audiences. Larry Darmour, the producer, has given the piece nice mounting, and the direction by Lewis Collins is capable. Eric Taylor and Harvey Gates have fashioned a splendid screenplay from Taylor's original story. Jack Holt plays the dual role of Storm, a construction engineer, and Farrow a scar-faced leader of a bank robbery gang. Arthur Hohl and Stanley Fields are struck with Storm's resemblance to Farrow. They hatch a frameup by which they will hold up a payroll truck, Farrow will get away with the money, and the blame will fall on Storm. Storm is arrested, and through the decisive testimony of Farrow's wife, Patricia Ellis, that Storm is her husband, he is sentenced to 20 years. Storm becomes friendly with Guinn Williams, another prisoner, and in the break engineered by Williams, escapes. In a fight between Storm and Ben Welden, Storm is captured. Storm insists he is not Farrow. Hohl and Fields are brought in for questioning and inadvertently Fields admits that Storm is not Farrow. Meantime Farrow, not knowing Storm has been captured, takes part in another bank robbery. Fields' admission and the report of Farrow's participation in the new robbery clears Storm. In the end Farrow is killed and his confederates are captured, and Storm returns to the construction camp as an engineer.

CAST: Jack Holt, Patricia Ellis, Stanley Fields, Guinn (Big Boy) Williams, Arthur Hohl, Cy Kendall, Jonathan Hale, Leon Ames, Don Douglas, Weldon Heyburn, Ben Welden, Leon Beaumont.

CREDITS: Producer, Larry Darmour; Associate producer, Rudolph Flothow; Director, Lewis D. Collins; Author, Eric Taylor; Screenplay Eric Taylor and Harvey Gates; Cameraman, James S. Brown, Jr.; Editor, Dwight Caldwell; Song "Swing Dat Hammer," by Hall Johnson.

DIRECTION, Good. PHOTOGRAPHY, Good.

Reliable Sending Crew to Shoot War In Orient

West Coast Bureau of THE FILM DAILY

Hollywood—B. B. Ray, of Reliable Pictures, is leaving Friday for China with a crew of technicians to shoot authentic pictures of the China-Japan-Russo conflict. J. C. 'Doc' Cooke, who has made 26 trips, is assuming full charge of all the details. Cooke has received permission to picture portions of the war zone which will be available to him through his personal friendship with Gen. Chiang Kai-Shek, and officials of the Japanese government. This material will be made into a feature production. Ray will also go into the interior of Siam to shoot some special footage which will be made into another feature film. The outfit will be away for four to six months.

"Mr. Wong in Chinatown"

with Boris Karloff, Grant Withers, Marjorie Reynolds

Monogram 61 Mins.

FINE MURDER MYSTERY HOLDS TAUNT
SUSPENSE AND KARLOFF'S ACTING
SCORES.

A very sane and intelligent murder mystery plot, distinguished by fine acting of the suave Boris Karloff as the oriental sleuth helping out the police department of San Francisco represented by Grant Withers as the inspector investigating the Chinatown murders. The excitement starts when a Chinese princess is murdered while awaiting an interview with the oriental sleuth in his study. The lethal weapon is a poison dart from a wrist-gun, a Chinese weapon. The devious path of the murderer winds in and out of a complex skein of events. Then there occurs the murder of the princess' maid by the same method. There are two opposing forces at work, involved in the attempt to secure control of a million-dollar fund set aside for purchase of airplanes for shipment to China, and hence the murders. Finally a Chinese dwarf disappears, and he proves to be the third victim of the criminal. The latter turns out to be a private banker. But before Karloff dramatically uncovers him, there are some exciting events with all the evidence pointing to a sea captain and his companion as the guilty parties. The newspaper girl is present in the person of Marjorie Reynolds, and she and her work are as unnecessary as in most murder mysteries where they pump the femme interest in by this method. Forgetting her silly antics, the story is above average, and builds fine suspense for the whodunit fans. Selling angles: Karloff in a strong role; the Chinese tong atmosphere; the unusual murders.

CAST: Boris Karloff, Grant Withers, Marjorie Reynolds, Peter George Lynn, William Royle, Huntly Gordon, James Flavin, Lotus Long, Richard Loo, Guy Usher.

CREDITS: Director, William Nigh; Screenplay, Scott Darling; Author, Hugh Wiley; Cameraman, Harry Neumann.

DIRECTION, Very Good. PHOTOGRAPHY, Good.

Mono. Exchange Head Wars on Bingo In Milwaukee

Milwaukee, Wis.—Second move in the small merchants' drive against Bingo has been instituted here with court action against the Bahn Frei hall to restrain it from operating the game. Plaintiff is Charles W. Trampe, head of the Monogram-Midwest Film exchange. His attorney is Benjamin J. Miller, who was counsel for Herman J. Eggert, proprietor of a stationery and sporting goods store here, in the suit against Bingo and similar games at the Midsummer festival.

Cooney Forms New Firm

Chicago—Ben Cooney, formerly of the Cooney Brothers Theater circuit, has organized the Ogden Theater Co.



SHORTS



"Metropolis—1939"

(March of Time)

RKO Radio

Splendid

18 Mins.

A very fine presentation of the various phases of New York City, treating it from many aspects such as sociologically, politically, economically and just plain human. It is easily one of the most entertaining of all the M of T series. The spirit of the great metropolis has been caught perfectly, with its rush and bustle, fast tempo, and the myriad activities of city life engaged in by over seven million inhabitants. The film has a fast tempo itself that reflects the spirit of the city. The foreign quarters are especially interesting. A big proportion of the second half of the film is devoted to a detailed exposition of the city's efficient police department of 19,000 men. Practically every phase of the work of Commissioner Valentine's department is covered. It looks like a gratuitous plug for LaGuardia's administration, and his photograph is shown in several close-ups. Be this as it may, whatever the political propaganda may be inherent in the subject, it has been concealed so cleverly and the film is so worthy that this can be overlooked. Here is a film that will meet with great interest wherever shown, for with the World's Fair now a subject of national interest, the nation's attention is centered on New York. Fine editorial judgment was displayed in making no reference to the Fair itself. It has been ignored. The subject is the glamorous city itself, and that is as it should be.

Republic Closes FWC Deal; Grainger at Schine Meet

For the fifth consecutive year, Fox West Coast has closed a deal with Republic to play the latter's complete 1939-40 line-up of features and serials in San Francisco, Los Angeles, Denver, Salt Lake City, Seattle and Portland, it was disclosed yesterday.

James R. Grainger, Republic's president, arrived in Gloversville from New York yesterday to attend and address the Schine convention.

Grover C. Parsons, Republic's West Coast manager, also left the home office yesterday for the Coast.

New House for Tyler

Tyler, Tex.—Texas Consolidated starts work here shortly on a new \$200,000 pix house to seat 1,000. Town, with 30,000 population, has five other theaters, four controlled by the Interstate affiliate.

JAP PIX TAKE AT \$1,640,000 IN 1934

(Continued from Page 1)

ican-made features were well on the way to grabbing an all-time record annual revenue from the Japanese market, it was disclosed yesterday.

Survey by THE FILM DAILY revealed that a 6,000,000 yen year is currently expected, which means that the "take" of Hollywood product during 1939 would be slightly in excess of \$1,640,000, compared with the 1938 figure of some 4,200,000 yen, or about \$1,150,000.

Revenue Steadily Rising

Secondly, survey showed, that, except for a slight recession in 1938, the Japanese market has offered to U. S. pictures a steadily increasing annual revenue. In terms of Japan's currency, the year 1935 brought 3,800,000 yen to American producer-distributors; 1936 brought 4,600,000 yen; 1937 about 5,000,000; and 1938 about 4,200,000, all figures being close approximations.

Thirdly, the checkup disclosed that during the first six months of 1939, a total of 304 pictures were released for exhibition in Japan, including 226 Japanese films and 78 foreign films. Latter represented about 25 per cent of all released pix. U. S. product, figured in percentage of the 304-picture total, represented 21 per cent. Equally, if not more impressive is the fact that of all foreign pictures released for exhibition in Japan during the first six months of 1939, the U. S. furnished 82 per cent, demonstrating the overwhelming dominance of Hollywood features among all nations supplying Japan.

Para., Metro In Lead

Fourthly, it was disclosed that of the 64 features of American origin during the first half of 1939, 61 were sent into Japan and distributed by the U. S. majors.

Now, of these 61 U. S. major features. Paramount is said to have supplied 12; M-G-M, 11; 20th-Fox, Columbia and Universal, 8 each; Warners, 6; UA, 5; and RKO Radio, 3.

71,304,484 Admissions In '38 In Tokyo's 296 Film Houses

Tokyo (By Cable)—Total attendance at all amusement houses locally in 1938 amounted to 86,598,627, an increase of 3,107,944 over 1937. Included in this figure are the 71,304,484 persons who attended Tokyo's 296 film theaters, according to a report issued by the city's Metropolitan Police Board.

Reports indicate that attendance at film houses fell off about 15 per cent in May here, as compared with the previous month, but receipts still continued to be well above those for the corresponding period of 1938.

THEATER FIELD HOLD TIGHTENED BY IATSE

(Continued from Page 1)

right to organize ushers, cashiers and doormen in theaters, which jurisdiction was subsequently organized by the IA to some extent, it is expected that the IA will immediately waive its rights to this jurisdiction and it will once again revert to the TMAT, in prospect with an intense organizing campaign planned to bring the theater unions' membership up to around the 30,000 mark within a year.

Many Benefits Foreseen

This move will serve many purposes which will be advantageous to both the TMAT and the IA. It will consolidate the IA position in the theatrical field, strengthen its bargaining power tremendously and leave no loopholes in the theatrical field for an abortive move by the CIO. The TMAT will immediately assume the stature of a key union in the entertainment field with IA support, which carries with it the aid of stagehands and operators unions, members of the International Alliance, giving them added strength to bargain for contracts.

Preliminary negotiations between the TMAT and the IA were instigated last year when Lodevick Vroome was president of the former union. However, these parleys did not result in any conclusive agreement due to the fact that George E. Browne, IA prexy, hesitated at that time about accepting the union as an IA member. The situation is different today, though, with Browne making a strong bid for complete jurisdiction of the entire entertainment field.

TMAT Group at A. C. Meeting

A full delegation from the TMAT, both legit. and motion picture divisions, will attend the A F of L executive council parleys, starting Monday in Atlantic City. The matter will probably come up on the floor and every indication points to complete approval of the move, although executive approval is not necessary in this case as Browne has the right to grant a charter to any union within the theatrical field which wants to affiliate with the IA.

The TMAT at present has been organizing managers, assistant managers, press agents, treasurers and chiefs of theater staffs, with the membership around 2,500. But with the usher jurisdiction regained they can boost their membership to around 30,000 within a year with an intensive organizing campaign.

Locals have already been established by the union in almost all key cities throughout the country.

AAAA Complains to Green on AFA-IATSE Charter

(Continued from Page 1)

the AAAA yesterday sent a letter to William Green, A F of L prexy, denouncing Browne's action as one

OH, PLEASE, MR. CAGNEY!

Won't You Kindly Toss a
Watermelon and Aid Sales?

West Coast Bureau of THE FILM DAILY

Burbank—Warner Bros. studio has received a letter from L. W. Devane, of the Sowega Melon Growers Association, Adele, Ga., reading as follows:

"In 1931 James Cagney in one of your pictures hit a girl in the face with half a grapefruit. It probably was a very ungallant thing to do but it was a great break for the grapefruit as I understand sales picked up 15 per cent.

"I am writing to ask you if you could not have Mr. Cagney use a piece of watermelon in his next picture. I assure you it would be greatly appreciated by the Sowega Melon Growers Association, and if you could have him use a Georgia melon, so much the better."

of the most barefaced jurisdictional raids ever perpetrated in the A F of L and demanding that unless the IA immediately rescinds the charter that it be suspended from the A F of L under section Four, article Four, of the A F of L constitution.

The AAAA started a strong counter attack yesterday with this action and other moves, among which was the appointment of an executive committee to handle the situation at a special meeting of the AAAA international board. Paul Turner, general counsel of AAAA and Actors Equity, Henry Jaffe, counsel for the American Federation of Radio Artists, Florence Marston, eastern head of the Screen Actors Guild, and Frank Gilmore, AAAA prexy, comprise the committee.

It was further stated in the AAAA letter to Green that if the actions of Browne and Sophie Tucker, AFA prexy, are condoned, then no jurisdiction recognized by the A F of L is safe and it was demanded that the A F of L executive council take action on this matter at the huddles scheduled next week in Atlantic City.

The section of the A F of L constitution referred to in the letter states that when a local union has been suspended by an international union no other union may recognize it under penalty of suspension. No statement was available last night from A F of L executives as to whether or not this charge would be acted upon.

Action was also taken yesterday by the Screen Actors Guild executive board in special session, suspending Sophie Tucker from membership, with similar action also anticipated by Actors Equity.

Ralph Morgan, president of the

SCHENCK HEADS LABOR SURVEY ON COAST

(Continued from Page 1)

the labor situation as it affects studios, started to function yesterday. While the whole picture will receive attention, including the problem

West Coast Bur., THE FILM DAILY

Hollywood—IATSE officials yesterday stated negotiations are continuing with producers and they are confident that an amiable solution of differences would be reached soon. IA had set 5 p.m. yesterday as deadline for granting closed shop to IA studio locals, but appointment of a labor committee by film producers and efforts of William R. Walsh, NLRB senior counsel, to bring peace between IA, United Studio Technicians Guilds and producers caused IA to continue confabs.

IA has already refused a proposal that an election of 12,000 studio workers be held Aug. 15 to designate bargaining representatives, contending that producers should first grant a closed shop to IA.

presented by the clash of the IATSE-AFA with the AAAA in the East, first consideration is reportedly being accorded the local IATSE-USTG situation.

A further meeting of the Association suddenly was called for last night, but as this edition went to press, no statement had been forthcoming.

Meanwhile, it was learned yesterday that although John F. Gatelee, international representative of IA, came to a "peace" meeting Monday afternoon called by William R. Walsh, senior counsel of the NLRB, he refused to stay in same room with representatives of the USTG. However, Gatelee remained in an adjoining room and was kept advised of all matters under discussion.

SAG, in a statement issued in Hollywood, asserted that actors will never come under the domination of the IATSE. Suspension of Miss Tucker by the SAG automatically bars her from every stage in Hollywood and similar action by Actors Equity would bar her from the New York stage. Morgan also asserted that the actors were not to blame, but a fight has been started which they have no choice but to finish.

However, the IA is certain to make a counter move to this action and with control of a large number of studio employees, stagehands in the legit. theaters, and operators in film houses, the producers will apparently be caught in the middle of the battle unless some settlement is reached.

Apprised last night of the SAG action in suspending her, Sophie Tucker stated that it was her opinion that they were letting themselves in for more than they bargained, and that in her opinion it was obvious that this retaliation against herself was a last diving attempt to frighten actors who may fear similar retaliation.

She also asserted that the AFA can play the game any way it finds necessary, and that Browne, his as-

«REVIEWS»

"Colorado Sunset"

with Gene Autry

Republic

61 Mins.

LIVELY AND INTERESTING STORY GIVES AUTRY NICE BREAK FOR HEROICS AND SINGING.

A different slant to the usual western plot is given by having Gene Autry and his Texas Troubadours quit barnstorming as they purchase what they think is a Colorado cattle ranch, only to find that the stock consists of milk cows. This puts them in the midst of a dairy war, with some well concealed power hijacking the milk trucks and destroying them in order to force them into a combine. After many failures, Gene and his pal Smiley Burnette finally trail the crimes to a local veterinary and an assistant sheriff. There is a local radio station involved which gave the gang chief a chance to signal his henchmen to attack the milk trucks or destroy property, the signals being disguised in innocent bulletins to ranchers. There is a good long sequence at the finale, wherein Gene and his boys finally tangle with the gang caught red-handed in one of their depredations. It is a running fight on horseback for miles, it seems, and carries a lot of punch. By way of lighter entertainment, Gene sings, and the Troubadours go into an instrumental harmony on the slightest provocation.

CAST: Gene Autry, Smiley Burnette, June Storey, Barbara Pepper, Larry "Buster" Crabbe, Robert Barret, Patsy Montana, Purnell Pratt, William Farnum, Kermit Maynard, Jack Ingram, Elmo Lincoln, Frankie Marvin.

CREDITS: Producer, William Berke; Director, George Sherman; Authors, Luci Ward, Jack Natteford; Screenplay, Betty Burbridge, Stanley Roberts; Cameraman, William Nobles; Editor, Lester Orlebeck.

DIRECTION, Very good. PHOTOGRAPHY, Excellent.

sociate officers, and the membership of IATSE were not school children, but on the contrary, past masters at the sort of strategy needed to win. She assailed the AAAA as dealing in personalities and stated that this vindictive attitude had been anticipated from past performances.

TMAT Establishes Picket Lines at Bronx Theaters

Picket lines were established yesterday by the Theatrical Managers, Agents and Treasurers union at the three Bronx theaters acquired by Ed Peskay, M. Baranco and Clarence Loew, from Moe Rosenberg, protesting what they claim to be a lockout of their members by the new management. The theaters have been closed for alterations, it was stated.

Further Rugoff-Becker-TMAT Hearings Deferred To Aug. 14

Hearings before the State Labor Board of the Rugoff & Becker-TMAT case were adjourned yesterday until Aug. 14 by the mutual consent of counsel for both sides.

MICH. CO-OP NAMED IN ANTI-TRUST SUIT

(Continued from Page 1)

Court here, also names Co-operative officers, directors and individual members.

Ray Schreiber, who heads Midwest, claims \$200,000 damages. The company operates five theaters in Detroit.

Court Reserves Decisions on Folly Case Applications

Federal Judge Murray Hulbert reserved decision yesterday on the application of the eight majors, Republic Pictures, Monogram Distributing Corp., and Randforce Amusement Co., for a bill of particulars to the \$750,000 damage suit brought against them by the Folly Amusement Co. which had charged violation of the Sherman Anti-Trust Act.

Judge Hulbert also reserved decision on an application of United Artists to dismiss the suit on the claim that the licensing of pictures to the Folly Theater was not interstate commerce. The plaintiffs claimed that the defendants conspired to give preference to Randforce houses on product and thereby allegedly forced the Folly Theater to close its doors.

Mobeel Enterprises Suing Majors and Century Circuit

Anti-trust suit for undiscovered damages was filed yesterday in the New York Supreme Court by Mobeel Enterprises Inc., against Loew's, Inc., United Artists Corp., Paramount Pictures, Inc., RKO Radio Pictures, Inc., Warner Brothers Pictures Corp., First National Productions Inc., and Century Circuit, Inc.

The plaintiffs, which operate the Glenwood Theater, in Flatbush, charge that the defendants have given unfair preference in product to the New College Theater, erected recently, and operated by the Century Circuit. No further details of the suit were available.

Pelson In FCC Post

S. Ernest Pelson, formerly with Grand National, has been appointed general sales manager for the French Cinema Center, it was announced yesterday. He immediately starts work on lining up key city runs on "Harvest," initial release by the organization which is scheduled for a September release.

WEDDING BELLS

Engagement has been announced locally of Christopher H. Buckley, Jr., of Bennington, Vt. to Miss Elaine McKeon of Albany. Buckley's father operates a small circuit around Bennington and previously owned four theaters in Albany.

WHO'S WHO IN HOLLYWOOD

• • • Introducing Interesting Personalities: No. 213 • • •

JACK SKIRBALL. Producer. Born in Homestead, Pa. Attended the University of Cincinnati, Hebrew Union College, and Western Reserve University. Filled Synagogue pulpits in Cleveland and Evansville, Indiana. Was with Alco Films, Cincinnati, and Metro. Later was on Advisory Board and Division manager, Educational. Associated with Wm. N. Skirball in Skirball Brothers Ohio Theaters. Joined Educational in capacity of sales manager, 1932. Franchise holder with William N. Skirball for Ohio on Warner, Columbia, Educational pictures. Produced "The Birth of a Baby." Produced all the shorts for Educational for six years. Produced "Miracle of Main Street" and "The Lady Takes a Chance," for which no distribution arrangements have been set yet. Just resigned as vice-president in charge of production for Grand National. Continues as active head of Arcadia Pictures, and next production will be Sinclair Lewis' "Angela Is Twenty-Two" for major release.



Warner Theater Site Owner Asks Slash In Assessment

Wilmington, Del.—Charging that an excessive assessment had been levied on the Warner Theater and its entrance at 210 W. Tenth St., the Old Time Petroleum Co., owner of the theater site and lessee of the entrance property, has filed a bill in equity in the Court of Chancery here.

The theater property was assessed at \$270,000 (\$60,000 on the land and \$210,000 on the building) and the entrance at \$48,000 (\$25,600 on the land and \$22,400 on the improvement), according to the bill. Complainant charges the former should not exceed \$135,400 and the latter \$15,000. As to the entrance, the bill says that under the company's lease with the Eden Hall Company, the petroleum firm is obligated to pay such amount of city taxes as shall exceed the amount which was payable for the year beginning July 1, 1937, upon the then-existing structures.

The Warner Theater opened Feb. 8, last.

Minneapolis Paper Sold; Buffalo Daily Suspends

Minneapolis — The Minneapolis Star yesterday purchased the Journal and consolidated the two papers as the Star-Journal. Merle Potter, one of the best known film critics in the Mid-West, was on the Journal. Star's critic is Robert E. Murphy.

Buffalo—Buffalo Times, evening and Sunday, has folded. Film critic was Ardis W. Smith, rated as one of the ablest reviewers in the East.

Hoffberg Going to Coast

J. H. Hoffberg leaves New York Tuesday for a three-week stay on the Coast to confer with producers there. He will visit a number of key cities on his return trip where he has affiliates who distribute the pictures he imports into this country.

W. Va. ITO Sets Convention For Clarksburg on Sept. 26

Clarksburg, W. Va.—First annual convention of the Independent Theater Owners of West Virginia will be held on Tuesday, Sept. 26, at the Waldo Hotel here. President R. J. Hiehle, who will preside, is being assisted by the following committee: Mrs. C. P. Church of Mannington; Richard D. Marks of Clarksburg; George D. Sallows of Morgantown; and Garland West of Buckhannon. Irving Daniel Davis is chairman of the convention committee, and C. C. Kellenberg, sales manager for 20th Century-Fox in Pittsburgh, has been appointed chairman of the Distributors' Committee.

Matters of primary importance to the theater industry will be discussed at this meeting, and the election of new officers for the coming year will also be held.

Several national Allied leaders have signified their intention to attend this convention, as well as Home Office representatives of the various film distributing organizations.

The business meeting will begin at 1:00 p.m., and will be followed by a banquet and entertainment in the evening.

Tele-Films Clash Scouted by Don Lee Network Head

West Coast Bureau of THE FILM DAILY

Hollywood — There will be no "war" between tele and films for the public's b. o. attention, asserts Thomas S. Lee, Don Lee network head, back from the East.

Lee, owner of W6XAO, says he is confident tele will fit over the film production pattern, that tele will develop its own stars, and that tele's sets will be simpler, less expensive than film's.

Lee station, temporarily off the air, is installing higher definition cameras. Additionally, Lee plans to build a new mountain top station in 1940.

11 NEW FEATURES BEFORE CAMERA

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood — New production scheduled for this week totals 11 features. At Universal, "The Tower of London" with Boris Karloff, color of the Fifteenth Century in England. Rowland V. Lee producer and director. "Legion of Lost Flyers" with Richard Arlen, Andy Devine and Anne Nagel. The third series of outdoor dramas with Ben Pivar producer, Christy Cabanne director. "Chip of the Flying U" with Johnny Mack Brown, Bob Baker and Fuzzy Knight. Ralph Staub director. "Call a Messenger" Arthur Lubin director and Ken Goldsmith associate producer.

At M-G-M, "Remember" with Robert Taylor, Greer Garson, Lew Ayres and Billie Burke. Milton Bren production, Norman McLeod director.

At RKO, "Vigil in the Night" with Carole Lombard, Brian Ahearne, Anne Shirley. George Stevens director and producer. Adapted from the novel by A. J. Cronin.

At Paramount, "Typhoon" starring Dorothy Lamour with Robert Preston playing opposite her. Louis King director. Dramatic adventure story laid against the romantic background of the South Seas.

At 20th Century-Fox, "High School" starring Jane Withers. George Nichols director. Robert Ellis and Helen Logan wrote the screen story that has a San Antonio, Texas, high school as its background.

At Warners, "Philo Vance Returns," S. S. Van Dine's original. James Stephenson portrays Philo Vance. Margot Stevenson, Henry O'Neill and Edward Brophy in the cast. William Clemens director.

Stephens-Lang production, "Meet Dr. Christian" first of series based on the radio character created by Jean Hersholt. Bernard Vorhaus director.

At Monogram, "Murder in the Big House," featuring Charles Bickford and Barton MacLane. William Nigh director.

STORKS!

Wilmington, Del.—It was Father's Day at the Warner Theater on Friday. A son was born at 3:30 P. M. in the Wilmington General Hospital to Mr. and Mrs. Theodore Grablis. Mr. Grablis is a member of the service staff. A son was born to Mr. and Mrs. C. Leonard Howard at 10:15 P. M. in the Delaware Hospital. Mr. Howard is assistant manager. It was a first-born in each case.

Columbus, O.—Mr. and Mrs. Robert Glick are parents of a son, born July 25. Father is manager of Neth's Eastern theater.

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 23

NEW YORK, THURSDAY, AUGUST 3, 1939

TEN CENTS

Nazis Negotiating Spanish Pix Treaty, Plan Studio SHOW-DOWN STAGE NEARS IN PLAYERS UNION ROW Para.'s Half-Year Earnings Up \$904,189 Over Last Year

Paramount's Second Quarter Earnings Are Estimated At \$830,000

Paramount's earnings for the first six months of 1939 are estimated at \$2,130,000, representing an increase of \$904,189 over the corresponding period of last year, it was announced yesterday following a meeting of the board. At the same time, it was announced that the earnings for the second quarter, ended July 1, were estimated at \$830,000, a jump of \$435,065 over the second quarter earnings of 1938 when the quarterly profit was announced as \$394,945.

The estimated quarterly earnings
(Continued on Page 7)

SHOWMANSHIP FIRST, MOSS TELLS SCHINERS

Gloversville, N. Y.—"Showmanship comes first—don't forget that," was the admonition given 300 Schine managers, movie executives and others by Alec Moss, Paramount sales executive, at yesterday session of the Schine convention.

This talk stood out in a busy day's session that heard leading figures from all the major producing companies outline their plans for the
(Continued on Page 7)

Schine Meet Calls Execs, Deferring Code's Revision

Completion of the revised trade practice code has been delayed owing to the absence of several of the sales heads who are attending the Schine convention in Gloversville. While
(Continued on Page 7)

Anti-Censorship Council To Battle for "Harvest"

Banning of the French film, "Harvest," by the New York State Board of Censors as "immoral" and "tending to corrupt morals" was vigorously assailed yesterday as "capricious"
(Continued on Page 8)

B. O. Trend is Upward in Oklahoma Cities; Good Fall, Winter Biz Foreseen by Exhibs.

Oklahoma City—A check-up of operations in major cities of the state by THE FILM DAILY reveals a slight upward trend in box-office grosses in July. Considerable optimism exists as to fall and winter business with most operations predicting that the forthcoming season will pass that of last year and may hit new highs for the past few years as business conditions indicate good fall and winter grosses.

COLE AND MYERS WILL NO WB-NT PEACE YET, SPEAK AT A. C. MEET DECLARES GRAD SEARS

Asbury Park, N. J.—Plans for the annual New Jersey Allied and eastern regional convention to be held in Atlantic City, Sept. 6-8, were perfected yesterday at a meeting here of the New Jersey unit.

The regional vice-presidents will convene on the opening day, with entertainment scheduled for the evening at the 500 Club. Col. H. A. Cole, national president, and Abram F. Myers, general counsel, are to discuss national problems on the
(Continued on Page 8)

Attacks Constitutionality of Sandquist Bill's Veto

Chicago—Attorney Roland Libonati filed suit yesterday to test the constitutionality of Gov. Harry Horner's veto of the Sandquist anti-duals bill and other measures killed by the Governor, later than 10 days
(Continued on Page 7)

Nazis Will Turn Out Pix for Spanish, Latin-American Markets at Barcelona

Patent Law Changes Wait For Roosevelt's Action

Washington Bureau of THE FILM DAILY
Washington—President Roosevelt has before him today five bills passed by the Senate to tighten the patent laws, as recommended by the TNEC. The measures reduce from two
(Continued on Page 4)

Published reports to the effect that Warners and National Theaters had healed their breach which for a period of weeks has seen the former selling away from the circuit in the West were denied yesterday by Grad Sears, Warners sales chief.

"We have been negotiating, but no deal has been consummated as yet," said the Warner sales chief. Peace overtures reportedly have been under way since July 20 when THE FILM DAILY first indicated that "checkerboard moves" to that end were in progress.

Canadian ALP Approaches Government for Action

Toronto—J. O. Scott, chairman of the Anti-Protection League of Canada, said yesterday that pending the achievement of conciliation reform
(Continued on Page 4)

Hollywood Stellar Contingent to Attend A F of L Council Meet

By HOLLIS KENNAHAN
FILM DAILY Staff Writer

With the showdown stage fast approaching, the situation on the Eastern labor front last night presented these outstanding highlights:

1. A number of AFA members filed petitions asking for membership meetings and amendments which would make possible the absorption of the AFA by AGVA or oust the present officials.

2. Paul Dulzell, executive secretary of Actors Equity, was threatened with bodily harm in an anonymous phone call.

3. Ken Thomson, SAG executive secretary, and a group of screen stars announced plans to come from
(Continued on Page 8)

INDIES FORM GROUP TO SUPPORT JUBILEE

Independent Producers and Distributors Golden Jubilee Committee has been organized in New York to participate in the celebration of the industry's 50 years of progress. Joseph Balaber, of Screen Attrac-
(Continued on Page 4)

\$25,000 in Cash Awards for NT's Fall Campaign

Fourth annual Fall drive of National Theaters will get under way Sept. 1 and continue until Dec. 24 with the 30 districts in the far flung chain competing for \$25,000 in cash prizes. Spyros Skouras, NT chief-
(Continued on Page 8)

O'Connor Sets Reopening Dates for 7 RKO Houses

Reopening dates of seven RKO Theaters have been set by John J. O'Connor, vice-president and general manager of the circuit. The Palace, Chicago, on Aug. 11 will
(Continued on Page 7)

THE **Film** DAILY
ALL THE NEWS
ALL THE TIME

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Chg.
Am. Seat	13 3/4	13 3/4	13 3/4	+ 1/4
Col. Picts. vtc. (2 1/2 %)	9 3/4	9 3/4	9 3/4	+ 1/4
Col. Picts. pfd.				
Con. Fm. Ind.	11 1/2	11 1/4	11 1/2	- 1/4
Con. Fm. Ind. pfd.	11 1/2	11 1/4	11 1/2	- 1/4
East. Kodak	172	171	172	+ 1
do pfd.				
Gen. Th. Eq.	11 3/4	11 3/4	11 3/4	- 1/8
Loew's, Inc.	46 1/2	45 7/8	46 1/2	+ 5/8
do pfd.				
Paramount	9 3/4	9 1/8	9 1/2	- 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10 3/4	10 3/4	10 3/4	
Pathe Film	13	12 3/4	12 3/4	- 1/8
RKO	2 1/8	2	2	
20th Cent.-Fox	21	20 3/4	21	+ 1/4
20th Cent.-Fox pfd.				
Univ. Pict. pfd.	68	68	68	- 1
Warner Bros.	5 1/4	5 1/8	5 1/8	
do pfd.	55 1/2	55 1/8	55 1/8	- 3/8

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 3/8	100 3/8	+ 3/8
Loew's deb. 3 1/2s46	103	103	
Par. B'way 3s55			
Par. Picts. 6s55			
Par. Picts. cv. 3 1/4s47	91 1/8	91 1/8	+ 1/4
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48	90 1/4	90 1/8	90 1/8

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.			
Technicolor	16 1/4	16	+ 1/4
Trans-Lux			
Universal Corp. vtc.			
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	100 1/2	102 1/2
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	65 1/4	67 1/4

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Fair Exhibitors Ass'n Calls for 50 Cent Rate

Exhibitors Association of the New York World's Fair yesterday served written demand that the exposition's directors inaugurate a flat 50 cent admission fee throughout the week. The demand was contained in a communication to Mortimer N. Buckner, chairman of the Fair's executive committee. It was signed by S. R. Knapp, chairman of the Exhibitors Assn. executive committee, and countersigned by E. H. Sniffin, president of the association. The compromise admission charge put into effect July 31 was scored as "simply another week-end bargain which has already been tried and found unsatisfactory."

Metro May Not Release Pascal's New Shaw Pix

London (By Cable)—Gabriel Pascal will send G. B. Shaw's "Major Barbara" into production at Pine-wood in September, with cast including Wendy Hiller, John Mills, Sir Cedric Hardwicke, Ralph Richardson, Gordon Harker, Marie Joehr, Jean Cadell, Sybil Thorndyke, Rex Harrison, David Tree and Walter Hudd. Release, it is reported, may be via some other company than Metro despite the fact that Pascal and Metro were understood to have an agreement.

Metro New Season Biz Ahead 5% in Chicago

Chicago—Metro exchange officials report business during the past few weeks on new season product as running about five per cent ahead of the same period last year.

ITOA's Special Meeting Postponed for One Week

Special meeting of the ITOA, scheduled for yesterday for the discussion of industry problems, was postponed one week. The new code, which is expected to be completed and released by that time, is expected to be the chief topic for consideration.

Urges Pledge Payment

An appeal for immediate payment of pledges to the United Jewish Appeal to meet emergency needs, was issued by Samuel D. Leidesdorf, treasurer of the New York campaign. The United Jewish Appeal, Leidesdorf pointed out, must have cash in order to meet urgent overseas commitments.

20th-Fox Borrows Two

Hollywood — 20th-Fox has borrowed Fred MacMurray from Paramount and Andy Devine from Universal for its remake of "Little Old New York." MacMurray deal was a swap for Don Ameche for whom three stories are under consideration.

5 WB Pix for September; Mono. Has 5 for August

Warners' new release schedule lists five feature productions for September. They are: "The Old Maid," 2; "Nancy Drew and the Hidden Staircase," 9; "A Child Is Born," 16; "No Place to Go," 23; and "Dust Be My Destiny," 30.

Monogram will release five during August. They are: "Mr. Wong in Chinatown," 1; "Girl from Rio," 7; "Irish Luck," 15; "Riders of the Frontier," 16 and "Oklahoma Terror," 25.

WB Denied Particulars Bill In \$75,000 Action

Federal Judge Murray Hulbert yesterday denied the application of Warner Bros. Pictures, Inc., for a bill of particulars in the suit of Katherine Moog against Warners, and ruled that the defendant had failed to prove that the complaint was vague and indefinite in order to require a bill.

The plaintiff is suing for \$75,000 damages, charging the defendant with libel in allegedly portraying her as Erika Woolf in the motion picture "Confessions Of A Nazi Spy."

Robert J. Flaherty Will Make U. S. Gov't Picture

Quebec—Robert J. Flaherty, native of Port Arthur, Ont., who directed Alexander Korda's "Elephant Boy" and scores of other films, arrived here yesterday on the Empress of Australia en route to Washington to make a documentary film for the United States Government. He will cooperate with Pare Lorentz who made "The River" and similar technique will be employed in making the new film which will deal with the American farmer.

Chi. Mark for "Chips"?

Chicago—"Goodbye, Mr. Chips," is knocking at "Pygmalion's" record of eight weeks at the B & K Apollo Theater. The film enters its sixth week, with a record of 101,437 attendance during its first five weeks' run. Bets are being made it will break all house records before it leaves the Loop.

"Beau Geste" Starts Big

Paramount's new "Beau Geste," which had its world premiere yesterday at the New York Paramount Theater, scored the biggest biz the theater has recorded in over a year, Robert M. Weitman, manager, said last night and will have a comfortable lead over the \$11,000 gross run up by "Man About Town."

Vaud. Replaces Jitterbugs

Chicago—Vaudeville will replace Jitterbug contests at the B & K North Shore and other houses. If vaud. proves successful, it will be extended to more B & K theaters.

COMING AND GOING

LYNN FARNOL, advertising and publicity head of United Artists, flies to the Coast Sunday.

OSCAR HANSON is here from Canada.

MAJ. FREDERICK L. HERRON, treasurer and manager of the foreign department of PA, has left New York for a vacation.

WILLIAM W. SULLIVAN, manager for 20th-Fox in Panama, is visiting at the home office.

JOHN EBERSON, film theater architect, arrives in Gloversville today to attend the Schine convention.

MABEL DREW, of the 20th-Fox publicity department, leaves today for a visit on the Coast.

WESLEY RUGGLES, Columbia producer-director, is in Arizona for an aerial survey of the country to be used in the filming of "Arizona."

GERTRUDE LAWRENCE arrives in New York today.

VICTOR PAYNE-JENNINGS, producer, leaves for the Coast today.

BETTE DAVIS arrives in New York tomorrow.

CHARLES E. MCCARTHY, 20th-Fox pub. and ad. chieftain, flies back to New York tomorrow from Hollywood.

O. BOWES, Saskatchewan exhib., and VICTOR STREUL, Ottawa exhib., were visitors this week at the RKO Lounge.

EMIL FELDBERG, National Screen representative in New Haven, is visiting in Peekskill.

CARMEN MASCOLI, of the Alhambra Theater, Waterbury, Conn., is vacationing in Maine.

HARRY LEIDS, of the Loew-Poli construction department, is visiting theaters in the chain in Connecticut and Massachusetts.

MORRIS JACOBSON, of the Strand Amusement Co Circuit, Conn., leaves shortly for a vacation in Monticello, N. Y.

GEORGE HICKEY, M-G-M's West Coast manager, is a visitor here.

WILLIAM HOLDEN, who plays the title role in "Golden Boy," leaves the Coast Aug. 18 to attend the New York premiere.

DAME MAY WHITTY arrives from Europe today on the Washington.

SUSAN HAYWARD, Paramount star, is at the Waldorf-Astoria.

TERRY DeLAPP here from the Coast.

Z. CLEMENTE, Spanish producer, arrived from Hollywood yesterday on his way to Buenos Aires to make a series of pictures.

Visitors to Paramount's World's Fair headquarters in the home office include MR. and MRS. E. V. RICHARDS, theater associate of New Orleans; R. D. STALLINGS, Kinney Circuit city manager at Lenoir, N. C.; EDYTHE J. LAUGHLIN, Raleigh, N. C.; MR. and MRS. R. A. MOMM, of Loudonville, Ohio; TED deBOOR, of the Interstate Circuit in Dallas; JOSEPH J. DEITCH, buyer and booker for the Tri-State Circuit in Des Moines and HUGH BRALY, Paramount district manager in Dallas.

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Opportunity—the most Desirable!

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State, Houston . State, New Orleans
Midland, Kansas City . State, St. Louis
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Victory, Evansville . Loew's, Rochester
State, Syracuse . State & Orpheum, Boston
State, Providence . Palace, Washington,
D.C. . Century, Baltimore . State, Norfolk
Parkway, Wilmington . State, Cleveland
Strand, Scranton . Boyd, Philadelphia
Poli, New Haven . Poli, Bridgeport
Poli, Hartford . Poli, Waterbury . Poli,
Springfield, Mass. . Poli, Worcester
Valentine, Toledo . Loew's, Akron
Loew's, Canton . Loew's, Dayton . Ohio,
Columbus . Penn, Pittsburgh . Colonial,
Reading . Regent, Harrisburg . Carolina,
Charlotte . Shea's Buffalo, Buffalo
Orpheum, Denver . State, Minneapolis
Paramount, St. Paul . Wisconsin, Mil-
waukee . Palace, Albany . Palace, Dallas
Majestic, San Antonio . Criterion, Okla-
homa City . Omaha, Omaha . United
Artists, Portland . Ritz, Tulsa . Warfield,
San Francisco . Des Moines & Roosevelt,
Des Moines (Day and Date) . Fifth Ave.,
Seattle . Carthay Circle, Los Angeles . Cata-
ract, Niagara Falls . Virginia, Champaign,
Ill. . Colfax, South Bend . Centre, Salt
Lake City, Indiana, Terre Haute . Lyceum,
Duluth . Riviera, Binghamton . Grand,
Topeka . Miller, Wichita . Colonial, Al-
lertown . Broadway, Kingston . Bardovan
Poughkeepsie . Paramount, Oakland
Warner, Youngstown . Lincoln, Trenton
Ellanay, El Paso . State, Portland, Me.
Fox, Spokane . Music Box, Tacoma
Academy, Meadville, Pa. . Drake, Oil
City, Pa. . Cambria, Johnstown, Pa. . Penn,
New Castle, Pa. . Menlo, Charleroi, Pa.
State, Altoona, Pa. . Lyceum, Kittanning,
Pa. . Manos Band Box, Vandergrift, Pa.
Colonial, Elmira, Pa. . American, Roanoke
Ceramic, E. Liverpool, Ohio . Havens,
Olean, N. Y. . Princess, Modesto, Calif.
Pine Tree, Klamath Falls, Ore. . Madison,
Peoria . Orpheum, Springfield, Ill. . Regent,
Grand Rapids . Capitol, Flint . Strand,
Lansing . State, Kalamazoo . Ute,
Colorado Springs . Lincoln, Cheyenne
Lafayette, Lafayette, Ind. . Keith Albee,
Huntington, W. Va. . Ohio, Lima . Gillioz,
Springfield, Mo. . Morgan, Ironwood,
Mich. . State, Easton . Rialto, Williams-
port, Pa. . Capitol, Charleston, W. Va.
Mayfair, Asbury Park . Majestic, Perth
Amboy . Ohio, Sandusky . Capitol, Little
Rock . Regent, Bay City . Regent, Battle
Creek . State, Ithaca . Stanley, Utica
Proctor's, Schenectady . Garde, New
London . Stamford, Stamford . Elsinore,
Salem, Ore. . Worth, Ft. Worth . Fargo,

Fargo, N. D. . Rialto, Butte . Orpheum, Ogden,
Utah . Ada, Boise, Ida. . Emboyde, Fr. Wayne
Rivoli, Muncie . Chateau, Rochester, Minn.
State, Sioux Falls . Paramount, Austin, Minn.
Paramount, Austin, Tex. . Paramount, Cedar
Rapids . Capitol, Sioux City . Carolina, Wilming-
ton, N. C. . Washington, Quincy, Ill. . Wilson,
Fresno, Cal. . Stamford, Palo Alto, Cal. . Irvin,
Bloomington, Ill. . Michigan, Jackson, Mich.
Carolina, Durham . Ambassador, Raleigh . Caro-
lina, Winston Salem . Rialto, Amsterdam . Rialto
Monticello . Community, Saratoga . Palace, Nor-
wich . Paramount, Middletown . Broadway, New-
burgh . Kallett, Oneida . Waco, Waco . Majestic,
Wichita Falls . Bijou, Bangor . Capitol, Daven-
port, Ia. . Mt. Baker, Bellingham, Wash. . Liberty,
Yakima, Wash. . Rivoli, La Crosse . California,
San Jose, Cal. . Senator, Sacramento . Circle,
Annapolis . Paramount, Lynchburg . Arcade,
Salisbury . Missouri, St. Joseph . Booth, Inde-
pendence, Mo. . Paramount, Hot Springs . Para-
mount, Jackson, Tenn. . Indiana, Bloomington,
Ind. . Tivoli, Richmond, Ind. . Sipe, Kokomo, Ind.
Dakota, Grand Forks . Smoot, Parkersburg, W. Va.
Paramount, Ashland, Ky. . Regent, Saginaw
State, New Bedford . Main, Pueblo . Majestic,
Beloit . Grand, Wausau . Orpheum, Madison, Wis.
Meyers, Janesville, Wis. . Braumart, Iron Moun-
tain, Mich. . Fond Du Lac, Fond Du Lac . Fox,
Marinette . Maryland, Hagerstown . Maryland,
Cumberland . McDonald, Eugene, Ore. . Rio,
Appleton, Wis. . Venetian, Racine . Kenosha,
Kenosha . Sheboygan, Sheboygan . Jefferson,
Beaumont . Strand, Pt. Arthur . Arcadia, Baytown
Fairmont, Fairmont, W. Va. . State, Washington, Pa.
Shea, Bradford . Rialto, Lewistown, Pa. . Du Bois,
Du Bois, Pa. . Center, High Point, N. C. . Capitol,
Salisbury . Lyric, Lancaster, Ohio . Geneva,
Geneva, N. Y. . Auburn, Auburn . California,
Salinas, Cal. . Fox, Watsonville, Cal. . Peninsula,
Burlingame, Cal. . Porter, Woodland, Cal. . Lincoln,
Decatur, Ill. . Fischer, Danville, Ill. . Illinois,
Macomb, Ill. . Center, So. Haven, Mich. . Carolina,
Greensboro . Colonial, Bluefield . Glove, Glovers-
ville . Oneonta, Oneonta . Avon, Watertown
Carolina, Hickory . Shea's Union, New Philadel-
phia, Ohio . Empress, So. Norwalk . Warner,
Torrington . Capitol, Willimantic . Paramount,
Amarillo . Flynn, Burlington . State, Harrison-
burg, Va. . Capitol, Pittsfield . Empire, Lewiston
Capitol, Concord . Garden, Greenfield, Mass.
Fitchburg, Fitchburg . Haines, Waterville, Me.
Nicholas, Fairmont, Minn. . Electric, Larned, Kan.
Liberty, Lewiston, Wash. . West, Trinidad . Avalon,
Grand Junction . Kerredge, Hancock . Capitol,
Grand Island . Iowanna, Red Oak, Ia. . Will Rogers,
Charleston . Paramount, Charlottesville . Avalon,
Easton, Md. . State, Havre De Grace . Logan,
Logan, Ohio . Fox, Hutchinson, Kan. . Palace,
Corpus Christi . Texas, San Angelo . Illinois,
Centralia . Liberty, Great Falls, Mont. . Wilma,
Missoula, Mont. . Chief, Pocatello, Ida. . Indiana,
Marion . State, Anderson . Logan, Logansport
Hollywood, Petoskey . Liberty, Benton Harbor
Lyric, Traverse City . Garden, Frankfort, Mich.
Star, Scottsville . Michigan, Muskegon . Maltz,
Alpena, Mich. . Bridgman, Bridgman, Mich.
Grand, Grand Haven . Loma, Coloma, Mich.
Opera House, Jamestown, N. D. . State, Winona,
Minn. . State, Mankato, Minn. . Saenger, Pine
Bluff . Strand, Jonesboro, Ark. . Mahaska, Oska-
loosa, Ia. . Capitol, Ottumwa, Ia. . Fort, Rock
Island . Strand, Waterloo, Ia. . Orpheum, Parsons,
Kan. . Vilis, Eagle River . Star, Oconomowoc
Nordic, Marquette . Michigan, Escanaba . Osh-
kosh, Oshkosh . Lawton, Lawton, Okla. . Aztec,
Enid, Okla. . Paramount, Glens Falls . Columbia,
Paducah . Princess, St. James, Minn. . Lucas,
Savannah . Grand, Macon . Ritz, Chillicothe
Colonia, Norwich, N. Y. . Strand, Ogdensburg
Pontiac, Saranac Lake . Colonial, Augusta, Me.

Palace, Ashtabula, Ohio . Colonial, Portsmouth,
Ohio . Capitol, Salisbury, N. C. . Majestic, Reno
Capitol, Jefferson City . Hollywood, Leavenworth
Carolina, Hendersonville, N. C. . Liberty, Van-
dalia, Ill. . Roseland, Flat River, Mo. . Effingham,
Effingham, Ill. . Iowa, Keokuk, Ia. . Pantheon,
Vincennes . Clazell, Bowling Green, Ohio
Bourbon, Paris, Ky. . Liberty, Pikesville, Ky.
Community, Catskill . Hunter, Hunter, N. Y.
Asuabe Clube, Keene Valley, N. Y. . Pine Plains,
Pine Plains . Adirondack, Speculator, N. Y.
Royal, Spirit Lake, Ia. . Carolina, Lexington, N. C.
Princess, Del Rio, Tex. . Cumberland, Brunswick,
Me. . Opera House, Bath, Me. . Wilton, Wilton,
Me. . Princess, St. James, Minn. . Lake, Detroit
Lakes . Grand Duquoin . Strand, Dover, N. H.
Strand, Rockland, Me. . Wilson, Wilson, N. C.
Liberty, Olympia, Wash. . Hollywood, Montevideo,
Minn. . Carolina, Spartanburg . California, Stock-
ton . Schines State, Fostoria . Shea's Paramount,
Fremont . Poncan, Ponca City . Washita, Chick-
asha . Rex, Bolton Landing . Chester, Chestertown
Whipple, Fleischmanns . Lake, Lake George
Palace, Lake Placid . Liberty, Liberty . State,
Ticonderoga . Roxy, Peru, Ind. . Kingston, Che-
boygan . Lyric, Cadillac . Lake, Devils Lake . New
Ulm, New Ulm, Minn. . Vernon, Mt. Vernon, Ohio
Ritz, Tiffin, Ohio . Schine's, Wooster, Ohio . Ritz,
Muskogee, Okla. . Granada, The Dalles, Ore.
Manring, Middlesboro . Plaza, Burlington, Wis.
Sprague, Elkhorn, Wis. . Arcadia, Harlingen, Tex.
Texas, Denton, Tex. . Dreamland, Livermore Falls
World, Kearney, Neb. . Simon, Brenham, Tex.
Cameron, Cameron, Tex. . Palace, Cisco, Tex.
Rig, Anahuac, Tex. . Lyric, Gillespi, Ill. . Lincoln,
Robinson, Ill. . Arcadia, Olney, Ill. . Orpheum,
Mackinaw Island . Community, Harbor Beach
Palace, Silsbee . Madison, Richmond, Ky. . Amenia,
Amenia, N. Y. . Totem Lodge, Averill Park
Grand Hotel, Highmount . Millerton, Millerton
Phoenicia, Phoenicia . Temple, Kane, Pa.
St. Mary's, St. Mary's, Pa. . Rialto, Grayling, Mich.
Orpheum, Franklin, Pa. . Ritz, Clearfield, Pa.
Opera, Sun Valley, Ida. . Margie Grand, Harlan
Peoples, Chanute, Kan. . Arcade, Horton, Kan.
Iola, Iola, Kan. . Regent, Newton, Kan. . Dream-
land, Russell, Kan. . Noll, Bethany, Kan. . Star,
Nevada, Mo. . Geneva, Lake Geneva, Wis. . State,
Rhineland, Wis. . Aqua, Minocqua, Wis. . Mat-
toon, Mattoon, Ill. . Miller, Festus, Mo. . Orpheum,
Harrisburg, Ill. . Orpheum, Twin Falls . Hart-
Hart, Mich. . Vogue, Manistee, Mich. . Lyric,
Ludington, Mich. . Holland, Holland, Mich.
Rogers, Rogers City, Mich. . Star, Gladwin, Mich.
Community, Elk Rapids . Temple, E. Jordan, Mich.
Playhouse, Whitehall, Mich. . La Nora, Pampa, Tex.
McSwain, Ada, Okla. . Bay, Alexandria Bay
Franjo, Boonville . Park, Cobleskill . State,
Deposit, N. Y. . Maple, Jeffersonville, N. Y.
Manor, Livingston Manor . Massena, Massena
Galli Curci, Margaretville . Empire, Pt. Henry
Harris State, Salem, Ohio . Valentine, Defiance,
Ohio . Athena, Athens, Ohio . State, Uniontown,
Pa. . Orpheum, Franklin, Pa. . Ritz, Clearfield, Pa.
Strand, Ridgway, Pa. . Del Mar, Santa Cruz . State,
Monterey . Senator, Chico . Fox, Visalia . Merced,
Merced . Hanlon, Vallejo . State, Garden City,
Kan. . Regent, Newton, Kan. . Family, E. Tawas
Gaylord, Gaylord . Regent, Allegan . Midstate,
W. Branch . Iosco, Oscoda, Mich. . Ideal, Clare,
Mich. . Ward, Mt. Pleasant . Oz, Freemont
Boyne, Boyne City . Rivoli, Hastings, Neb. . Eneau,
Pittsburg, Cal. . State, Martinez . Strand, Cov-
ington . State, Westminster, Md. . Aggie, Arling-
ton, Tex. . Rialto, Denison, Tex. . Palace, Cor-
sicana . Lyric, Brownwood . Capitol, Brownsville
Paramount, Bristol . Center, Rocky Mount . Pitt,
Greenville . Modene, Stanbury, Mo. . Lyric,
Plattsburg, Mo. . Ritz, Big Springs, Tex. . Palace,
Colorado, Tex. . Oklahoma, McAlester . Texas,
Sherman, Tex. . Palace, Seguin, Tex. . Etc., Etc.

NAZIS NEGOTIATING SPANISH PIX TREATY

(Continued from Page 1)

tiate a film treaty with the Spanish Ministry of Education.

In addition to this, the Nazi government has appointed a director of propaganda for the Iberian Peninsula to popularize German films. Plans are also being readied by the Nazis to build a large studio near Barcelona where both German and Spanish films will be produced, with the latter to be aimed at the Latin American markets as well as for local consumption.

Although permits have been issued to three American companies to import new films, only old American pictures are being shown in the theaters that remained open through the war or have been reopened since its conclusion. The distributors are protesting the drastic currency restrictions and are also seeking a revision in the quota stipulations. Although the American pictures are tremendously popular with the public, who do not like German and Italian films, shipping is at a standstill at the present time.

Future course of action by the American distribs may hinge on whether or not the government will make certain concessions which will at least allow the companies to derive enough cash revenue from their operations to cover operating costs.

Canadian ALP Approaches Government for Action

(Continued from Page 1)

in the Dominion, "and in the absence of adequate conciliation machinery" he is "making tentative approaches to the government authorities regarding certain special cases" in which "he is directly interested."

Scott states also that all independents in Canada are completing plans for their provincial conventions when delegates will be appointed to the national convention of the APL, to be held in Toronto during the last week in August.

Acquires Varilla Rights

West Coast Bureau of THE FILM DAILY

Hollywood—Baron Valentine Mandelstamm, formerly French Foreign office attache, now in Hollywood for a vacation, has secured the rights to the Life of and the material concerning Col. Bunau Varilla which is centered around the construction of the Panama Canal.

Technicolor Record

West Coast Bur., THE FILM DAILY

Hollywood—For the first time in film annals, a single studio, Para., has three Technicolor pix shooting. Before cameras are "Dr. Cyclops," about half through; "Untamed," in its third week, and "Typhoon," just rolling.

Warners yesterday scheduled Technicolor treatment for two Errol Flynn starers—"Sea Hawk" and "Nevada."

ALONG THE



WITH PHIL M. DALY

● ● ● HUMAN interest stunt.....with an appeal to thousands of youngsters of high school age throughout greater New York..... originated by Loew's home office pub dep't.....it serves as a four-way plug.....1. it plugs the personal appearance of Mickey Rooney and Judy Garland at the Capitol.....2. "The Wizard of Oz" at the Capitol.....3. "Andy Hardy Gets Spring Fever" at the Loew theaters on the subsequent runs.....4. Mickey and Judy in "Babes in Arms".....and that's a pretty good job for one stunt.....

● ● ● THE plan is to offer to high school boys and girls the opportunity to serve on an Official Reception Committee to meet Judy and Mickey at the train.....to escort them to the Capitol.....to have luncheon with the young stars at a leading hotel.....quite a simple stunt.....but one with tremendous appeal to the average kid.....to dine with these two pop juvenile stars.

● ● ● SELECTION of the youngsters will be made on a city-wide basis.....all 74 Loew theaters are distributing ballots on which the kids write their name, age, school, etc.....the ballots are being showered into special ballot boxes in every Loew lobby.....it is expected that 200,000 kids will register.....on the nite of Friday, Aug. 11, each theater will have a drawing on the stage and pick out the one boy and one girl who are to represent that neighborhood on the Reception Committee.....to be eligible the boy and girl must be in the theater that nite.....names will be drawn until the two youngsters are found.....and that won't hurt the B. O. that evening.....the idea originated with Oscar Doob.....with Ernie Emerling and Eddie Dowden and the rest of the Loew publicity staff lining it up.....in the Long Island, Westchester and Jersey neighborhoods, local newspapers are sponsoring the Committee.....

● ● ● WITH a number of sequences in Korda's "Four Feathers" covering exciting battle action of the charging Dervishes in the Sudan over an area of ten miles.....the Capitol on Broadway will employ a Magnascope screen.....opens today, the first U. A. picture to play at this spot.....

● ● ● A PLAQUE was presented to the Washington Variety Club from the National Variety Club as being the most charitable of all the chapters in the country.....John H. Harris, National Chief Barker, made the presentation to A. E. Lichtman representing the Washington chapter, and Rudolph Berger as chairman of the club's welfare fund.....the Washington unit obtained the distinction through their gift last year to Sibley Memorial Hospital of ten baby incubators.....

● ● ● HE starts his seventh year of service with B & K in Chi.....Roy McMullen, manager of the Granada, and prexy of the Employees Association.....Mac is one of the most popular theater managers in the territory, having been connected with the biz for twenty years.. ● Beatrice Metz, that charming sec over at National Screen Service, has been promoted from the production dep't to be the secretary to William B. Brenner.. ● Jack Trop was associate producer on that fine western production, "Heritage of the Desert," turned out by Harry Sherman.....and Jack feels proud enough about it to want credit....why not?.....

INDIES FORM GROUP TO SUPPORT JUBILEE

(Continued from Page 1)

tions, has been named temporary chairman of the committee.

A substantial representation of the Eastern section of the trade has been assured, Balaber said yesterday, and efforts are being made to enlist all of the 300 or more units of the independents.

It was pointed out that a Co-ordinating meeting of the MPPDA probably will be held shortly in order to co-ordinate the national campaign of the independents.

Benjamin Kleinerman, of Exhibitors Pictures, and Mackay Storck, representing the visual education field, have joined the committee. Temporary headquarters have been set up in the Film Center Bldg., 630 Ninth Ave., New York City.

Patent Law Changes Wait For Roosevelt's Action

(Continued from Page 1)

years to one the period within which an inventor may make public use of his invention before applying for a patent, revise "Interference Practices" and reduce number of hearings which may be held, abolish "renewal" applications for patents, extend the authority of the Patent Commissioner to allow him to require an applicant to respond to an official action within less than the current statutory period of six months and reduce the period within which to copy claims from an issued patent for the purpose of asserting priority.

Passed by the Senate, following earlier House passage, is the measure to limit the life of a patent to 20 years from the date of filing an application, instead of the present 17 years from date of issuance of a patent. The TNEC stated under old procedure delays up to 40 years occurred.

Small Borrows Jon Hall

West Coast Bureau of THE FILM DAILY

Hollywood—Edward Small has borrowed Jon Hall from Samuel Goldwyn for the lead in "South of Pango Pago," to be released through United Artists.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 3
Harriet Roth
Adrienne Ames
Dolores del Rio
Charles M. Mersereau
Wellwyn Totman

OUT OF RAGING SEAS AND HOWLING GALES...

*Is Born The Mighty
Drama of America's
"Navy of Mercy"!*

Heroes all...of sea,
land and air...ever
ready for danger...
or love...from the
Equator to the Pole!

COAST GUARD

RANDOLPH FRANCES RALPH
SCOTT ★ DEE ★ BELLAMY
WALTER CONNOLLY



Unforgettable heart-
throbs for the roman-
tic! Roaring action
for the adventurous!
Inspiring thrills for
every American! A
sure-fire hit for your
boxoffice! A great big
thundering produc-
tion...to bring sag-
ging Summer grosses
back with a bang!



Screen play by Richard Maibaum
Albert Duffy, Harry Segall

Directed by

EDWARD LUDWIG

**A COLUMBIA
PICTURE**



REVIEWS OF THE NEW FILMS



"In Name Only"

with Carole Lombard, Cary Grant,
Kay Francis

RKO Radio 102 Mins.
UNUSUAL ROMANCE OF WIFE LOSING
OUT TO THE OTHER WOMAN HAS
STRONG APPEAL.

A romance that gives opportunity for Carole Lombard and Kay Francis to play dramatic parts of unusual interest as they fight over one man. Cary Grant is the man, and the story is one that will exercise a strong appeal to the average woman. Grant finds himself at odds; with his wife, Kay Francis, for he has learned that she married him only for his money. He meets Carole Lombard, a commercial designer, and the two soon find themselves deeply in love. The wife begins a campaign of duplicity in order to hold her husband when he informs her that they must get a divorce. She pretends to go to Paris to secure the divorce, but comes back without it. Meanwhile Grant's parents are siding with his wife, believing her lies and that their son is mistreating her. Much of the appeal of the film is in the clever way in which the wife makes herself appear as a martyr fighting another woman's attempts to steal her husband. The climax comes with the serious illness of the husband, and the specialist's warning that only the girl whose name he calls for in his delirium can save him. The name is that of Carole Lombard, and after a final scene with the wife, who discloses her hand in front of her husband's parents, the situation resolves itself satisfactorily and the wife is finally forced out of the picture, with all her evil scheming coming to naught. It is not a pretty part for Kay Francis to play, but she handles it superbly. Carole Lombard is very appealing. Grant plays a difficult role with restraint and conviction. Selling angles: The unusual fight between Lombard and Francis over Cary Grant.

CAST: Carole Lombard, Cary Grant, Kay Francis, Charles Coburn, Helen Vinson, Katharine Alexander, Jonathan Hale, Maurice Moscovitch, Nella Walker, Peggy Ann Garner, Spencer Charters.

CREDITS: Producer, George Haight; Director, John Cromwell; Author, Bessie Breuer; Screenplay, Richard Sherman; Cameraman, J. Roy Hunt; Editor, William Hamilton.

DIRECTION, Excellent. PHOTOGRAPHY, Good.

"Iron Mask" Clicking Big

Top business for Edward Small's "Man in the Iron Mask" was reported by United Artists yesterday. After two weeks at Radio City Music Hall where it played to more than 400,000 patrons, the picture is reported to be doing heavy business at the Stanley, Philadelphia, in its second week. Good business also was reported from New Haven and Hartford, where it is in its second weeks. "Man in the Iron Mask" is an indefinite holdover at the Strand in Atlantic City.

RKO Signs Kerasotes

Springfield, Ill. — The Kerasotes circuit has closed for new season RKO product.

"Mutiny on the Blackhawk"

with Richard Arlen, Andy Devine,
Constance Moore

Universal 67 Mins.
LIVELY HISTORICAL DRAMA OF SLAVE
SHIPS AND MEXICAN FIGHTING MAKES
GOOD ENTERTAINMENT.

A semi-historical drama dating back to the days of the slave traders, which results in some good action entertainment. Richard Arlen as an officer in the U. S. Army is commissioned to go after a slave trading brig operating in the Sandwich Isles. Noah Beery plays the scoundrelly captain with Guinn Williams as his tough mate. After taking the abuse of the captain and mate the crew rebel and with Arlen's leadership take over. They release the Islanders in the hold who were the live slave cargo. Arriving off the southern California coast, the story suddenly loses its nautical atmosphere and becomes a land drama. It involves a settlement of pioneers from the States. Arlen lands with his crew and the Islanders, demanding food. Kit Carson, the famous scout, is there also, and it seems that the Mexican army command is not far away. In another direction conveniently situated is a detachment of U. S. troops. Thus the director has the makings of a nice battle, which he proceeds to unfold as the Mexicans decide to attack when the commander becomes annoyed at the attitude of Arlen and his crew. The battle sequences are well handled, with the Mexican troops storming the mountain, and being bowled over by barricades of great boulders that are hurled down upon them. Then the battle continues in the walled settlement, with the American troops riding to the rescue in the nick of time. The battle scenes and action stuff make this lively fare, with clever direction by Christy Cabanne. Selling angles: the exciting battle scenes; the mutiny aboard a slave ship.

CAST: Richard Arlen, Andy Devine, Constance Moore, Noah Beery, Guinn Williams, Thurston Hall, Sandra Kane, Paul Fix, Richard Lane, Mabel Albertson, Charles Trowbridge, Bill Moore, Byron Foulger, Francisco Maran, Eddy Waller.

CREDITS: Director, Christy Cabanne; Producer, Ben Pivar; Screenplay, Michael Simmons. Story idea, Ben Pivar.

DIRECTION, Very Good. PHOTOGRAPHY, Okay.

Orders Goldberg Testify

New York Supreme Court Judge Edward J. McGoldrick yesterday ordered William Goldberg, treasurer of Europa Cinema, Inc., to testify before trial on Aug. 16 in the suit of Michael J. Levinson for \$10,000 damages. Levinson charges breach of contract whereby the defendant allegedly agreed to exhibit the film, "The Last Of The Penitentes," in his Europa Theater.

Greiver Adds Two

Chicago—The Cameo and Schindler theaters are now included in the Si. Greiver circuit.

"Dead Men Tell No Tales"

with Emlyn Williams, Sara Seegar
Alliance 70 Mins.

FINE EXAMPLE OF BRITISH STUDIOS' SKILL IN FILMING MURDER MYSTERY THAT IS ENGROSSING.

One of the best of the murder mysteries of the season, and a fine example of the British studios' skill in handling this type of taut suspense and deft characterization. Emlyn Williams dominates the production as the headmaster of a boys' school near London. One of the women teachers wins a French lottery, and prepares to go to Paris to collect it. Her progress is followed with the camera, till she falls into the clutches of a clever French money broker operating in London. Emlyn Williams plays this part, also, but his disguise is so deft that few will suspect him till the dramatic disclosure is made near the climax, when his cousin, who works at the school, discovers his dual role and almost loses her life. The girl has a friend who is at Scotland Yard and assigned to the case. Another teacher, a young man, who also learns too much about the real identity of the supposed London money lender, is done away with in an apparent suicide. The diabolical cunning of the murderer, his sinister appearance so utterly at variance with the scholastic aloofness of the headmaster of the school, form one of the finest dual roles in a murder mystery that the screen has presented. All the players are most competent and convincing. The direction is something to grow enthusiastic about. Hollywood can learn a lot from this production in all departments. Selling angles: great characterization by Emlyn Williams; the cleverness of the murders.

CAST: Emlyn Williams, Sara Seegar, Hugh Williams, Marius Goring, Lesley Brook, Christine Silver, Clive Morton, Anne Wilton, Jack Vivian, Marjorie Dale.

CREDITS: Director, David MacDonald; Author, Francis Beeding; Screenplay, Walter Summers, Stafford Dickens; Cameraman, Bryan Langley.

DIRECTION, Very Good. PHOTOGRAPHY, Fine.

Back to Wide, Open Spaces

West Coast Bureau of THE FILM DAILY
Hollywood—After 12 days in Hollywood, during which time they were received by William S. Hart, D. W. Griffith and other filmfolk, Pawnee Bill and Phil Isley returned to Oklahoma. Pawnee Bill, last of the great trailblazers, goes to his ranch in Pawnee, Oklahoma and Isley to Tulsa, where his theaters are located. They were guests of Dave Bader while they were in Hollywood.

Mae West for Broadway

West Coast Bureau of THE FILM DAILY
Hollywood—Production on Universal's W. C. Fields-Mae West starrer is scheduled to roll in four or five weeks. Miss West is expected to return to New York upon completion of the film to star in a stage play. She is interested in three plays which are scheduled for Broadway this Fall and Winter.

★ SHORTS ★

"One Day Stand"

(Vitaphone Variety)

Vitaphone 10 mins
Sure-Fire for Patrons

That the circus is not wholly romance, colorful entertainment purveyed by the troupe, or awesome to folks young and old because of the jungle denizens accompanying it, is graphically demonstrated via this short made of the Cole Bros.-Clyde Beatty Circus, and with that organization's co-operation. Indeed, some of the most colorful material deals with the movement of the big show from town to town; the difficulties of transporting it; the feeding of its human and animal members; erection of the big "tops" or tents; and the skillful methods used to "fold their tents" far more spectacularly than the Arabs of poetry,—and steal away to the next stand. Standout scenes are, in part, Clyde Beatty taming tigers and lions; how circus folk live; the employment of the elephants to do the chores which would tax the strength of ordinary men and machines; and, finally, the circus parade itself. Here is sure-fire audience fare.

"Modern Methods"

(Color Parade Series)

Vitaphone 10 mins.
Packs Femme Appeal

Four sequences, directed by Ira Genet and narrated by Dwight Weist, comprise material which is of both general interest and particular appeal. Feminine wings of the audience will most enjoy the "Remote Control" footage, and that concerned with the creation of women's hats, "Remote Control" deals with electric device which enables the housewife to perform domestic tasks, including cookery, with a minimum of effort. Reel's portion concerned with mid-lady's hats reveals the fabrication of felt, cloth and cellophane chapeaux, their trimming and styling. Remaining footage discloses the measurement of ocean tides and the making of life-like masks by an artist.

"Will Osborne and His Orchestra"

(Melody Master Series)

Vitaphone 10 mins.
Effective Ork Reel

In a bandstand setting of modernistic design the baton of Will Osborne waves over the orchestra in successive renditions of pop numbers. Melodies chosen are well calculated to both strike most responsive chords in average pix theater audiences and demonstrate skill and versatility of the Osborne aggregation. Climax offering of "Darktown Strutters Ball" is particularly torrid. Dick Rogers and Lynn Davis vocalize effectively, as does Osborne himself. Roy Mack directed this well-made and photographically excellent ork reel.

SHOWMANSHIP FIRST, MOSS TELLS SCHINERS

(Continued from Page 1)

All season and predict better times ahead for the exhibitor in general. Moss pointed out that good house-keeping, politeness of service staff and everything else are secondary to showmanship. Any picture has good possibilities if a showman analyzes it and then use showmanship to sell it to the public, he contended. Many a smaller budget picture, in fact, has more and better selling angles, than the high-priced super-doooper.

In emphasizing the value of showmanship he pointed out how industry is more and more appropriating showmanship to itself, citing the General Motors show at the New York World's Fair as an example. He praised the new Schine ad campaign as "showmanship of the best type."

Another striking statement of the convention was that of Herman Wober, vice-president and general sales manager of 20th Century-Fox, who promised that everything possible would be done to keep moving picture stars off the air. "These stars were made by movies and belong to movies. I personally am against their appearing on radio or television programs. Those stars are yours and should remain yours," he said.

His statement was applauded, but many managers present openly expressed doubt major companies would keep any such promise.

Other speakers included James R. Grainger, president, Republic Pictures, who declared his company was not going to stop with "Man of Conquest" but would produce an even bigger historical picture for the Fall season, "Wagons Westward." He looked for a better year, starting with September, and said his travels in the East had convinced him things were picking up for exhibitor.

Leon Bamberger of RKO told of the advantages of personalized mailing lists reaching key persons in pre-selling pictures. Rodney Bush of 20th Century-Fox told of the news value in motion pictures, and how it could help managers obtain publicity. He said the fact that in Hollywood there were scores of accredited, paid correspondents proved that the movies, "are news and not publicity." That idea should be put across to local newspapermen by managers, he stressed.

Lou Pollack, of Universal told of the value of fan magazines, taking the nearby city of Amsterdam as an example. That city, he said, had a population of 35,000. In a single

STORKS!

West Coast Bureau of THE FILM DAILY
Hollywood—Hamilton MacFadden, of 20th Century-Fox, and Mrs. MacFadden are the parents of a baby daughter, Deirdre, weighing seven pounds.

Illinois' Sandquist to Scout Hollywood In Search for Pix Legislation Lowdown

Chicago—Rep. Elroy Sandquist, whose duals elimination bill was vetoed by Gov. Henry Horner, leaves for Hollywood today to make a personal checkup so that he will have a better foundation for his next film legislation attempt.

Schine Meet Calls Execs, Deferring Code's Revision

(Continued from Page 1)

further meetings are to be held, no date for the next session has been set.

It is understood that the draft will be passed on to the company's lawyers this week-end, so that all loose ends can be disposed of before Aug. 9 when formal announcement of the new draft is contemplated.

month a total of 15,000 fan magazines were sold there, he said. Making allowances for those too young to read and the illiterate and figuring three readers to a magazine they give most complete coverage, he contended. Such magazines are powerful factors in pre-selling pictures, he said. They are better national advertising mediums than newspapers in the sense that their slicker paper permits better color effects.

Lee Blumberg of Warners outlined what his company does to pre-sell, particularly shorts. He contended a short often decides what theater the family is going to attend when there is a choice of more than one house.

Charles Stern of United Artists told about his company's product emphasizing that United Artists would strive to be different. "We are not going to get into any ruts or at the tail-end of any cycles," he declared.

Joe Unger of Paramount outlined that company's Fall plans, while Charles L. Casanave, vice-president of National Screen Accessories urged managers to take advantage of their theater's "show window, which is the lobby."

Eddie Golden, president of Monogram, stressed the important part the independent is playing in the exhibitor field. "We are producing pictures that can be sold to the public and that please when they are sold" he said. "No company can do more." He said the company's big production, "Rip Van Winkle" would be previewed in this territory and a sum had been set aside to provide cash prizes for Schine managers who do the best job of exploitation.

Lou Weinberg of Columbia declared that his company "would not take a back seat to anybody." Its next season product will excel, he assured.

Eddie McAvoy of RKO, revealed that an analysis of exhibitor business, town by town, and in proportion to population, showed that the Schine houses turned in higher grosses than any other producer or independent circuit.

Maurice Bergman of Columbia's publicity department stressed the value of press books, saying they were carefully compiled, and were

Attacks Constitutionality of Sandquist Bill's Veto

(Continued from Page 1)

after adjournment of the Illinois Legislature. The Attorney General has ruled that the 10-day period was to run from the time Governor received the bills, not from when the Legislature adjourned.

Hope Pix to Debut in Six Houses in Two Ark. Towns

West Coast Bureau of THE FILM DAILY

Hollywood—Swamped with applications for tickets to the world premiere of Paramount's new Bob Burns starrer, "Our Leading Citizen," studio officials and Malco Theaters, Inc. yesterday completed arrangements to add three more theaters to the list of houses which will screen the production in Van Buren and Fort Smith, Ark., Monday night.

Thus all available theaters in the two Ozark cities will show the picture simultaneously. Those so far set are the Bob Burns and Rio Theaters in Van Buren, and the Joie, New, Mystic and Hoyts Theaters in Fort Smith, with a total seating capacity of more than 4,000. Three shows in each house are planned.

With an expected 100,000 visitors due to visit Fort Smith and Van Buren for the premiere showings and the personal appearance of Burns, Susan Hayward and Joseph Allen, both cities are dressed in gala holiday decorations.

Burns will leave Hollywood tonight via Southern Pacific for his old home town. Miss Hayward, who has been in New York for the opening of "Beau Geste," is scheduled to reach Van Buren via Memphis and young Allen will fly to Arkansas for the premiere.

Extending Facilities

Leonard & Cox, Inc., 1 W. 100th St., will extend their facilities to present new playwrights.

not the "eye wash of former days."

Monroe Greenthal, of UA, also stressed the value of press books.

J. Myer Schine, president, introduced each of the speakers, and kept the sessions moving smoothly with his quips and observations.

At night the Schines were guests at a dinner at the Adirondack Inn, where Carl Milliken of the Hays office discussed public relations as they influence the picture business.

Other speakers included the veteran character actor Charles Coburn, Sally Eilers, Jean Muir, Assemblyman Denton D. Lake and Messrs. Schine.

Today will be "play day" with the Schine golf tournament and steak roast slated to attract scores of special guests.

PARAMOUNT EARNINGS UP \$904,189 OVER '38

(Continued from Page 1)

include \$300,000, representing Paramount's direct and indirect net interest as a stockholder in the combined undistributed earnings for the quarter of partially-owned non-consolidated subsidiaries.

There were outstanding as of July 1, 144,672 shares of cumulative convertible \$100 par value 6 per cent first preferred stock, and 555,071 shares of cumulative convertible \$10 par value 6 per cent second preferred stock. After deducting \$300,268 of dividends accrued for the quarter on these preferred shares, the remaining \$529,732 of estimated combined consolidated and share of undistributed earnings for the quarter represent \$.21 per share on the 2,465,927 shares of common stock outstanding on July 1, 1939, which compares with \$.04 per share for the quarter ended July 2, 1938. Computed on the same basis, the estimated combined consolidated and share of undistributed earnings for the six months ended July 1, 1939 represent \$.62 per share on such common stock outstanding, which compares with \$.26 per share for the six months ended July 2, 1938.

O'Connor Sets Reopening Dates for 7 RKO Houses

(Continued from Page 1)

lead the list, being followed in rapid succession by the Albee, Providence, on Aug. 17 and the Orpheum, Kansas City, the next day. Less than a week later, Aug. 24, the Alden, Jamaica, begins its 1939-40 season and on the following day, Aug. 25, the Strand in Syracuse throws open its doors. On Sept. 1, the Trent, Trenton, starts its new season, as does the Orpheum in Champaign, a week later, Friday, Sept. 8.

Rosener Books 'Housemaster'

Budd Rogers, vice-president and general manager of Alliance, has set "Housemaster" for Rosener's Clay in San Francisco and the Esquire, Hollywood. An Alliance short, "Birth of the Movies," has been booked by Newsreel Theaters, Inc., to open simultaneously at the Embassy Theaters, Frisco, and at the Rockefeller Plaza Newsreel Theater Aug. 18.

McGinnis Replaces Burrus

Chicago—Hugh McGinnis, of the State Theater, has been elected vice-president in charge of welfare of the Balaban & Katz Employees' Association, succeeding Charles Burrus, resigned.

More "Private Lives"

West Coast Bur., THE FILM DAILY

Burbank—"The Private Lives of Elizabeth and Essex" will be the final release title for the recently completed Bette Davis-Errol Flynn production. Film has borne the working title of "The Lady and the Knight."

SHOW-DOWN NEARS IN PLAYERS UNION ROW

(Continued from Page 1)

Hollywood to attend the A F of L huddle next week.

4. The actions of Browne and Whitehead were denounced by Fredric March and his wife as a conspiracy and March stated that the actor organizations would never submit to domination by the IATSE.

Most important development of the day as far as actual action by either side went was the internal attack fired at the AFA executives by a group of members. In the event of a general membership meeting, which is demanded, amendments could be introduced which would oust the present officials and make it possible for absorption of the union by AGVA.

However, it is doubtful if a membership meeting can be held before the A F of L executive council sessions next week and if the IATSE is not rebuked by its parent body and some sort of agreement reached action along these lines may prove fruitless.

Principal complaint in the petitions of the AFA members was that no membership meeting had been called to allow the members to vote as to whether or not they wanted an affiliation with the IA.

Threat to Dulzell came in a phone call, with the anonymous caller stating he was a friend when asked his identity. He told Dulzell that "you are mainly responsible for this situation and from now on if you want to stay out of the hospital you had better button your trap." Dulzell stated that he had no idea as to the caller's identity.

Following issuance of the statement by March and his wife denouncing the actions of Browne and Whitehead, IATSE and AFA execs., it was learned that delegations of screen and stage stars have made plans to attend the A F of L sessions from both Hollywood and New York to plead their cause and attack the action of the IA in granting a charter to the AFA.

A meeting of the executive council of the American Federation of Radio Artists will be held today and they are expected to suspend Sophie Tucker, following the action of the SAG. It is also expected that they will place their resources and unqualified backing behind the AAAA.

No meeting of Actors Equity council has been called for this week, but when they meet next Tuesday they are expected to also follow the actions of the SAG in suspending Miss Tucker and offering their complete backing to the 4 A's.

Reed Shoots Four Here

Rowland Reed, Hollywood industrial film producer, has arrived in town and started production on four single reel films to be made for Servel Electro-Lux at the Fox studios. Reed is directing the pictures himself with Paul Ivano at the camera.

TOUGH GOING IN OLD CHI.

*Windy City Exhibs. Paint
Sad Opposition Picture*

Chicago—So exhibs. down St. Louis way they think they have troubles, do they?

Well, just suppose they were in biz here and faced as Summer time opposition—

Free Grant Park band concerts.

Night baseball at the White Sox Park.

Boxing under the stars.

Horse racing.

Outdoor theaters.

Steamship excursions.

Museums, with the Field Museum offering pix.

Lincoln Park and Brookfield Zoos.

Lake Michigan's free bathing beaches.

Guided visits to the packing plants, mail order houses and major manufacturing plants in the area.

Anti-Censorship Council To Battle for "Harvest"

(Continued from Page 1)

bureaucratic censorship" by the National Council on Freedom from Censorship which offered to aid exhibitors in an appeal of the Board's ruling to the courts.

Citing the common law marriage of the two principal characters as the "sole conceivable offense," Quincy Howe, chairman of the Council, an affiliate of the American Civil Liberties Union, pointed out that "such marriages have been legal in New York State up to a few years ago and thousands of couples are so married. Critics who have seen the picture," he added, "praise its treatment and art."

Albany—Counsel for the State Department of Education finally have received papers of appeal submitted by Andre R. Heymann of the French Cinema Center, 35 West 45th St., New York, distributor of French pix, "Harvest." Pix was submitted July 15 to Dr. Irwin Esmond and turned down as "immoral."

In protesting the decision of the Censor, Counsellor M. Garreau Dombasle of the United States French Embassy wrote Dr. Esmond a few days ago, "I cannot refrain from giving you my impression of sincere surprise and regret at this decision which the French producers hope you will reconsider."

The Board of Regents sub-committee is expected to set a date for screening of the pix and will listen to arguments by Arthur Garfield Hays for the French Cinema Center and to Ernest E. Cole and Charles Brind of the Department of Education law bureau at the same time.

COLE AND MYERS WILL SPEAK AT A. C. MEET

(Continued from Page 1)

second day of the convention. The annual banquet is slated for that night. Business sessions are to be resumed on Sept. 8 and the convention will wind up with a visit to the beauty pageant.

The code was not discussed at yesterday's meeting. George Gold, unit president, said the code was a "dead issue for the present" and did not require further consideration. The members also received a full report on the Neely Bill's passage in the Senate.

\$25,000 in Cash Awards For NT's Fall Campaign

(Continued from Page 1)

tain, leaves New York shortly to make a complete tour of the theater districts.

His visits in each territory will coincide with regional meetings of the NT district leaders so that he will be able to attend at least the first days session of each of these meets, which are being held before the drive gets under way.

Spyros Skouras Expected at National's Denver Parley

Denver—Spyros Skouras is expected to attend the opening day of the annual Intermountain division convention here at the Brown Palace hotel Aug. 16. The meeting will run three days, with district meetings occupying the third day. Rick Ricketson, division manager, will preside, with about 55, including managers and Denver headquarters men, attending. The principal subject for discussion will be "How to Sell Tickets."

The annual business meeting and convention of the Gibraltar Enterprises, Inc., with 38 managers, besides directors of advertising, maintenance men, directors and officers, will be held at the Cosmopolitan hotel Aug. 11-15. Chas. R. Gilmour is president of the company which operates 38 theaters in the Denver area. Directors include seven well known theater men—Thos. Murphy, Raton, N. M.; Everett Cole, Alamosa, Colo.; Ed Schulte, Casper, Wyo.; Wm. Ostenberg, Scottsbluff, Neb.; E. W. Ward, Silver City, N. M.; and John Greer and Nathan Salmon, Santa Fe, N. M. Theater matters in general will be discussed, and the directors will elect officers for the year.

Many of these are planning to stay over for the annual picnic and golf tournament of the Rocky Mountain Screen club at Eddie Ott's Country Club and Evergreen golf course Aug. 18. Beside the golf there will be a bridge tournament, other picnic games, with a banquet and dancing in the evening.

☆ SHORTS ☆

"Hare-um Scare-um"
(Merrie Melody Catroon)

Vitaphone

7 Mins.

Merrily Madcap

Everybody concerned with the making of this short, — Producer Leon Schlesinger, Supervisors Ben Hardaway and Cal Dalton, Animator Gil Turner, Author Melvin Millar and Musical Director Carl W. Stallings,—must have had a lot of fun, for there is a total absence of any serious note. More than that, the seven minutes which transpire from the time that patrons learn, at the outset, that because of the rise in meat prices, old John Sourpuss is moved to take his gun and search game in the woods, until the finale, all action is about as madcap as rampant imagination can conceive. The hunter runs amuck of a screwy rabbit who cavorts under the name of "Bugs" Bunny. At windup, John Sourpuss goes crazy because of the trouble the bunny causes.

"Three Minute Fuse"
(Your True Adventures)

Vitaphone

11 Mins.

Exciting Yarn

Story of how an Oklahoman, Clair Bigler, escapes death from a dynamite charge at the bottom of a well, which he and his companions are "digging," furnishes the crux of this most recent Floyd Gibbons adventure reel. Action, under the direction of Joseph Henabery, and enacted by Ed Andrews, Draja Dryden, Toney Ross, Gordon MacCraken, Owen Coll and Alex Cross, is exciting, plus maintaining suspense to the point where audience spines will be set atingle to the maximum degree. The true adventure came to Bigler when, after lighting a three-minute fuse at the well bottom to blast through the last rock strata, he is being hauled up by a rope which breaks, hurtling him back. However, though unconscious and painfully hurt by the fall, his companions manage to get him to safety in time, just before the dynamite explodes.

Confirm Orpheum Report

Federal Judge Murray Hulbert yesterday confirmed the report of Peter B. Olney Jr., referee in bankruptcy of the Orpheum Theater Co., and directed payment of \$24,462 to creditors and \$4,054 in fees and commissions. The general creditors claims totaled \$1,425,335.

No objections were raised to the report of the referee.

Brice Suit Not Settled

Chicago—Denial of reports that the damage action of Fannie Brice against 20th-Fox has been settled out of court was made yesterday. Francis Matthews has been appointed counsel for 20th-Fox, and defendants pleading will be ready Monday, before Judge John Lupe.

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 24

NEW YORK, FRIDAY, AUGUST 4, 1939

TEN CENTS

\$2,325,525 Net for 26 Weeks Reported by 20th-Fox

MAP PRESSURE CAMPAIGN TO PUT THRU NEELY BILL

See No Chance for Equity Suit Trial Before Jan. 1

Shortage of Judges, Packed Calendar Are Bars, Court Indicates

Federal Judge John C. Knox yesterday took under advisement the application of the Government to fix trial in the equity suit against the majors on Nov. 1, at the same time indicating that due to a shortage of judges and a crowded calendar the trial could not be reached until Jan. 1 of next year.

The Court stated that efforts were being made to secure three new judges from Congress, but so far the efforts were unavailing. He ex-

(Continued on Page 4)

CODE ADMINISTRATION UNDER JOINT CONTROL

With the release for publication of the revised trade practice code assured for next week, it is understood that the next problem of the distributors will be the setting up of a system of administration of the draft's provisions.

It has been established definitely that the Hays organization will not participate in any way in putting the code into effect. While the dis-

(Continued on Page 4)

Nova Scotia Sales Deadlock Seen Near End With Truce

St. John, N. B.—Peace—or at least a truce—looms on the distributor-exhibitor horizon here as a result of the decision by Nova Scotia indies to accept contracts contain-

(Continued on Page 4)

Schenck Reports Disposal of 700 Shares 20-Fox Pfd.

Washington Bureau of THE FILM DAILY
Washington—Joseph M. Schenck has disposed of 700 shares of 20th Century-Fox's \$1.50 cumulative preferred, it was reported today by the SEC in its semi-monthly summary

(Continued on Page 4)

Frank C. Walker Named MPTOA First Vice, Filling Vacancy Left by Comerford Death

Frank C. Walker, president of the Comerford Circuit, has been elected first vice-president of the MPTOA to succeed the late M. E. Comerford. The election was executed by a mailed ballot among the board of directors.

In commenting on the election, Ed Kuykendall, MPTOA president, said that "Walker will add strength to the present board of directors. His advice and counsel will be valuable in problems of national importance."

N. Y. Department Stores Would Enter Tele Field With Commercial Station

Following yesterday's announcement by Abram & Straus, Inc., and Bloomingdale Bros., Inc., of the organization of Metropolitan Television, Inc., a subsidiary for the purpose of transmitting tele programs in the Greater New York area upon the granting of a license for a commercial transmitter by the FCC, I. A. Hirschmann, vice-president of

Bloomingdale's told THE FILM DAILY that the license application had been submitted to FCC early in July.

He also revealed that films will play an important part in the programs which are planned for presentation. Such programs, he stressed, will be essentially of a

(Continued on Page 3)

Illinois Legislative Council to Eye Pictures?

Chicago—Duals situation here and other industry problems may get a thorough once-over from the State Legislative Council.

Rep. Elroy Sandquist, sponsor of the anti-duals measure which passed at the last session of the Illinois Legislature only to be killed by Gov. Harry Horner's veto, told THE FILM DAILY prior to his departure for

Hollywood yesterday that he has received promises of co-operation from two members of the Council.

They are Representatives Saltiel of this city and Warren Wood of Joliet. Sandquist had urged the Council study the film situation generally. Next session of the Council is scheduled in September.

20th-Fox's \$2,325,525 for 26 Weeks Compares With \$3,419,658 in 1938

Australia Considering Copyright Legislation

Sydney (By Cable) — Australia may cast adrift its present copyright statutes in favor of wholly new legislation which is receiving "very careful consideration" from the Federal

(Continued on Page 3)

Twentieth Century-Fox yesterday afternoon reported a consolidated net operating profit of \$2,325,525 after all charges including Federal income taxes for the twenty-six weeks ended July 1. This compares with a profit of \$3,419,658 for the first 26 weeks of 1938.

For the second quarter ended July

(Continued on Page 3)

Organized Groups to Turn Propaganda Guns on House Members

Washington Bureau of THE FILM DAILY

Washington—Pressure campaign eclipsing anything that the film industry has experienced to date will be inaugurated in behalf of the Neely bill immediately upon the adjournment of Congress tomorrow or Monday, it was indicated here yesterday.

Organized groups which participated in the successful "home folks" drive to line up Senatorial support for the measure propose to employ the same tactics to insure House consideration and passage at the next session of Congress.

Such organizations as Parent-Teachers Associations, Federation of

(Continued on Page 22)

AFFILIATES OF AAAA IN FURTHER REPRISALS

Intensifying their drive against the IATSE for the latter's action in granting a charter to the AFA, the AAAA affiliates yesterday took further reprisals, with AFRA suspending Sophie Tucker. A special meeting of the Actors Equity Association is called for today with similar steps expected to be taken.

A letter attacking IATSE officers

(Continued on Page 22)

Arcadia Decision Nears On Eastern Production

Whether Arcadia will produce its pictures in the East for major distribution will be determined within

(Continued on Page 22)

National Organization Looms For Australian Film Trade

Quebec—John Grierson, member of the British Films Council and producer, will discuss the organiza-

(Continued on Page 4)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	13 3/4	13 1/4	13 1/4	- 1/2
Col. Picts. vtc. (2 1/2%)				
Col. Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11 1/8	11 3/8	11 3/8	- 1/8
East. Kodak	173 1/2	172 1/2	173 1/2	+ 1 1/2
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	47	46 1/2	46 1/2	
do pfd.				
Paramount	10	9 3/4	9 3/4	+ 1/4
Paramount 1st pfd.	97 1/4	97 1/4	97 1/4	+ 2 1/2
Paramount 2nd pfd.	11 1/8	11	11 1/8	+ 3/8
Pathe Film	12 3/4	12 1/8	12 1/8	- 1/4
RKO	2	2	2	
20th Cent.-Fox	21 1/8	20 5/8	20 5/8	- 3/8
20th Cent.-Fox pfd.				
Univ. Pict. pfd.	68 1/2	68 1/2	68 1/2	+ 1/2
Warner Bros.	5 1/4	5 1/8	5 1/8	
do pfd.	56	55	55	- 1/8

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/2	100 1/4	100 1/4	- 1/8
Loew's deb. 3 1/2s46	103	102 3/4	102 3/4	- 1/4
Par. B'way 3s55	51	51	51	
Par. Picts. 6s55				
Par. Picts. cv. 3 1/4s47	91 1/8	91 1/8	91 1/8	
RKO 6s41	75 1/2	75 1/2	75 1/2	+ 1/8
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	90	90	90	- 1/8

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 1/2	1 1/2	1 1/2	
Technicolor	16	15 3/4	15 3/4	- 1/4
Trans-Lux				
Universal Corp. vtc.	3 3/4	3 3/4	3 3/4	
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		3 1/2
Loew's Thea. Realty 6s 1st '47	100 3/4	102 1/4
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	65 1/4	67 1/4

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SECURITY

Golf Tourney, Steak Roast Feature Schine Convention

Gloversville — Schine convention managers, augmented by a trainload of special guests from New York, descended on the swanky Pine Brook Country Club golf course here yesterday for the annual Schine links tournament. Starting at 10 a.m., there were programmed activities on the links and in the club house until the call was given for the trip to Sacandaga Park and the outdoor steak roast.

At the Park, on tables set about the grounds of the big Adirondack Inn, the feast was served with sweet corn and other appropriate delicacies in profusion down to blueberry pie. As this edition went to press, the Awards Committee of the golf tourney had not yet announced the winners, as delay was occasioned by the numerous classifications of contestants, handicaps, and the number of prizes posted.

Feature of the day's play was a hole in one, made at the 18th by Joe Schwartzalder, Schine Auburn city manager. Previously, on the 17th, he made a birdie.

Balls that exploded when they were hit and others that bounced off the tee before the eyes of the players enlivened things at the first hole.

At 6 p.m., the last of the players were rounded up and the trek to Sacandaga and the steak roast started. A large bus bearing a banner "Welcome to the Schine Convention," met the special train which arrived in Fonda with the New York contingent for the roast.

Today, closing day of the conclave, will feature a special address by William Groat, New York attorney, on "Americanism." Hugh E. Lasser of Chicago will speak also on the subject of "16 mm. Local Newsreels," an innovation in movie entertainment. He will include a demonstration. Windup talks will be given by J. Myer and Louis W. Schine. Adjournment being scheduled at about 1:30 p.m.

Wolf and Fuld to File New Suit Versus Loew's

Shaine & Weinred, attorneys for Norman Wolf and Mannes Fuld, minority stockholders of Loew's, Inc., stated yesterday that they would file a stockholders' suit against Loew's and its officers and directors within two weeks. Judgment was entered yesterday in the Federal Court dismissing the suit of Wolf and Fuld there for lack of jurisdiction.

Suit seeks appointment of a receiver and money damages, charging waste and mismanagement.

Dietrich Contract Sold

Paris (By Cable) — Contract of Marlene Dietrich has been sold by Forrestier-Parrant to L'Alliance Cinematographique, which will begin shooting early in September. Dietrich will have Jean Gabin as leading man and Josef von Sternberg may be the director.

Col. Division Managers Here for H. O. Confabs

Columbia's division managers arrived in town yesterday, for a series of conferences with Jack Cohn, General Sales Manager A. Montague, Nate Spingold and Assistant Sales Manager Rube Jackter. The meetings scheduled for today and tomorrow will be devoted to the releasing of "Golden Boy" and "Mr. Smith Goes to Washington," and to the advertising and exploitation campaigns being planned for them.

Division managers present are Sam Moscow, southern division mgr.; Phil Dunas, midwestern division mgr.; Carl Shalit, central division mgr.; Sam Galanty, mideastern division mgr.; and Jerome Safran, western division mgr. who has been in town for several weeks.

When the conferences are completed everyone will adjourn to Montague's cruiser for a sail on the sound, and a charcoal steak dinner ashore. Montague will act as the chef.

RKO's "In Name Only" Sets Summer Music Hall Record

Last night at closing, Radio City Music Hall clarified that RKO Radio's "In Name Only" scored the best opening day of any attraction at that house during the current Summer. The "take," it was asserted, was at the \$15,000 mark.

Attraction ran ahead of RKO's former big grosser "Bachelor Mother" by a wide margin, and bettered the figure of any of the company's pix on opening day at the Music Hall in the past 18 months.

Schenck-Zanuck Tax Case Studied by Justice Dept.

Washington Bureau of THE FILM DAILY

Washington—The Schenck-Zanuck tax case was discussed on Wednesday at a meeting between attorney general Murphy and division heads of the Justice Department and treasury officials, Murphy disclosed yesterday at his press conference. The case is under serious study, Murphy said.

Murphy said another large income tax case is being readied but declined to say whether it also involves industry personalities.

Myke Lewis Named Sales Chief by Harry Sherman

West Coast Bureau of THE FILM DAILY

Hollywood—Myke Lewis, veteran Paramount sales executive, has been made director of sales for Harry Sherman Productions. He will maintain his headquarters at Sherman's office and will leave shortly on a trip that will include every Paramount exchange in the U. S. and Canada.

COMING AND GOING

SAMUEL GOLDWYN, his wife and son ret. to the Coast today.

"HAP" HADLEY is back from a 30-day trip through the Middle West.

JACK SKIRBALL flew in from the Coast yesterday.

OSCAR HANSON returns today to Glenn.

DAVE FLEISCHER arrives tomorrow from Ben.

GERALDINE FITZGERALD, film player, turns to Burbank from Ireland on Sept. 1 for her next Warner feature.

TOM GORMAN, RKO's Chicago district manager, arrived in New York yesterday morning for home office conferences.

HENRY WEINER, UA manager in Cuba, sails from New York tomorrow for Havana, terminating a three-week vacation.

E. J. STUTZ, of the Sonatona Theater, Chicago; H. ENGBERTSON, of the Grant and Lyle Theaters, Decorah, Iowa, who is stopping at the Hotel Lincoln, were recent guests at RKO Radio exhibitors' lounge.

MICHAEL M. BERCHER, Columbia's manager for Japan, left New York yesterday for Tokyo where he will spend a week prior to sailing from Vancouver on Aug. 17 for Tokyo aboard the Empress of Asia.

JASCHA HEIFETZ, currently making his film debut in the UA-Goldwyn opus, "They Shall Have Music," arrives in New York on Sunday morning from the Coast via American Airlines.

JOHN KRAFCISIN, of the Cornell Theatre, Chicago; R. W. KENNEDY, city manager of the Wilby Circuit in Birmingham, accompanied by his wife; WILLIS CRIST, manager of the Paramount Theater, Lynchburg, Va., accompanied by his wife and their daughter, VIRGINIA MERRILL LINDLEY and his wife, the latter secretary to J. H. Stevens, Paramount's Indianapolis branch manager; MRS. IRMA ROGERS, of Paramount's New Orleans booking office, accompanied by IRMA CLERO; HELENA STEVENSON, cashier of the Paramount Theater in Hamilton, accompanied by WILLIAM H. EDMUNDS, of Charleston, W. Va., were visitors yesterday to Paramount's World's Fair lounge in the home office.

NAT SANDERS, of Film Alliance of the U. S., leaves New York today for an extended trip to the Coast to arrange en route franchise deal on new product.

NAT LIEBESKIND, South American manager for RKO Radio, leaves New York today on the Northern Prince for Argentina to attend company's sales convention, and en route, the RKO Radio Brazilian conclave.

W. R. Ferguson's Father Expires In Lynn, Mass

John Ferguson, 92, father of William R. Ferguson of M-G-M, died yesterday at his home in Lynn, Mass. Deceased is survived by another son, Kenneth J., and a daughter, Mrs. Walter Whitmarsh. The funeral will be held tomorrow in Lynn.

AT LIBERTY

Eight years' experience with major companies in foreign production department—superimposing, re-recording of commentary versions, censorship cutting, French dialogue pictures and edition of English titles. Knowledge of French, Spanish and Italian. Seeking position in similar capacity or any position in export department here or abroad.

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THE FILM DAILY
1501 Broadway New York City

FOX REPORTS \$2,325,525 FOR HALF

(Continued from Page 1)

the consolidated net operating profit, after all charges, was \$1,127,500, compared with the first quarter profit of \$1,224,250 and a net of \$1,778,121 for the second quarter of 1938.

No dividends were received from National Theaters during the first half of either year.

After allowing for the Preferred dividends for the half year, there remained a profit for the half year equivalent to \$.93 per share on the 741,988 shares of Common stock outstanding at July 1. For the quarter ended July 1, after allowing for the Preferred dividend, profit amounted to \$.43 per share on the 741,988 shares of Common stock outstanding at July 1.

Gross income from sales and rentals of film and accessories for the period is reported at \$27,200,588.44. There was dividend income of \$66,100.80 and other income of \$79,648.78.

Expenses listed include operating expenses of exchange, home office and administration expenses, etc., \$6,931,701.31; amortization of production costs, \$15,848,478.11, and participation in film rentals, \$2,301,156.44.

Capital Co. Counsel Calls Fox Offer "Bone to a Dog"

Camden — Samuel B. Stewart, counsel for the Capital Co., a California real estate firm with a \$5,900,000 claim, termed a \$600,000 settlement offer in the bankruptcy proceedings of William Fox as "bone to a dog" in opposing the proposal before Federal Judge John Boyd Davis here yesterday.

The Capital Co. is one of seven creditors opposing the offer which has already been approved by trustee in bankruptcy, Hiram Steelman, of Atlantic City.

Claims against Fox total \$55,000,000.

ALONG THE



WITH PHIL M. DALY

● ● ● DE LUXE endorsements of a picture.....being lined up by Paramount ad chief Bob Gillham on "Our Leading Citizen," featuring Bob Burns.....the testimonials are from various state Governors who have attended special private previews of the production.....

● ● ● HERE is one from the Governor of Illinois: "Paramount is to be congratulated on its splendid production.....a powerful and stirring drama which emphasizes the importance of preserving the fundamentals and ideals of our American way of living.....in a vivid manner it demonstrates that America can succeed only so long as capital and labor work together.....this picture should be seen by every citizen in the State of Illinois."

● ● ● WIRE service, composing room and staff conspired yesterday to stage a reportorial comedy of errors with the Schine convention as the setting.....so.....for the record we now beg to state..... Monroe Greenthal was NOT in Gloversville but busy here with the "Four Feathers" opening at the Capitol.....Eddie Golden happens to be Monogram's vice-prexy, while our story dropped the vice..... and Alec Moss happens to be in Paramount's advertising dept and not sales.....outside of that, the very interesting story on the Schine convention in this valuable paper was essentially correct.....thank you for your kind attention.....

● ● ● HERE is a camera that looks like the solution to the photo finishes at the racetrack.....it is not a motion picture camera.....has only one moving part.....a simple sprocket that pulls standard motion picture film through a box.....no shutter.....and therefore no blind spots, through which a horse can move without being photographed.....the eye of the camera never closes.....photographs the horses continually as they pass the finish line.....it is the invention of Lorenzo del Riccio, well known Hollywood studio photographic expert.....it is installed at all the Pacific Coast tracks.....it gives a complete picture of the finish of a race, with every horse in correct relative position as the horse crosses the line.....Bogart Rogers is promoting this interesting gadget, he being an erstwhile Paramount associate producer.....

● ● ● BELIEVE it or not.....the A. F. of L. claims Ripley is unfair to organized labor as they picket his Odditorium museum on Broadway.....

● ● ● DOWN in New Orleans The Man In the Iron Mask paraded the main thoroughfares.....plugging the United Artists attraction.....and the gent inside the mask was none other than Bob Wood, who handles the U. A. pictures in that territory..... being well and favorably known to all the newspaper lads, Bob garnered photos and stories on the stunt.....

● ● ● A TENTH Avenue theater.....reports Mike Kaufmann.....advertises out front as follows....."Five Big Features: 'Hold That Co-Ed,' 'Blondie Meets the Boss,' A Newsreel, A Comic, AND a Five-Cent Dixie Cup! FREE!".....

« « « » » »

DEPARTMENT STORES WOULD ENTER TELE

(Continued from Page 1)

good-will, informative nature which will command public interest. The merchandising of commercial goods will have a role, but will be subordinated to the broader scheme of pleasing television audiences. Further, an educational note will be injected from time to time to benefit those who consume the department stores' articles.

Hirschmann, who leaves New York on the Ile de France for London on Tuesday where he plans a study of telecasting methods of British Broadcasting Co., as well as those employed by Selfridge's Department Store now making use of tele for merchandising, asserted that Bloomingdale's has been quietly working recently upon the development of a new shooting technique for tele films, particularly of close-ups.

Added interest in the proposed tele station was aroused in motion picture circles yesterday when it was learned that Metropolitan Television, Inc., had listed as consultant engineers the Allen B. DuMont Laboratories, Inc., affiliate of Paramount Pictures.

Although not officially confirmed, it is understood that the DuMont organization is not only acting as technical advisor of Metropolitan Television, but is slated to closely collaborate with the new project on the tele film aspects, which call for fashion and other reels.

Officers of the new corporation are Walter Rothschild, president; Harry A. Hatry, Robert E. Blum and I. A. Hirschmann, vice-presidents; David M. Freudenthal, secretary; and Kenneth C. Richmond, treasurer.

The tele studio will be located, it is planned, in a midtown hotel.

Washington Bureau of THE FILM DAILY

Washington—Observers who are close to Federal Communication Commission activities declared here yesterday their belief that within the next six or eight months close to a dozen new television stations will have been licensed in the U. S.

Australia Considering Copyright Legislation

(Continued from Page 1)

government, according to Attorney General Hughes. New laws would be framed with a view to the situation arising from development of films and radio.

Africa on B'way

Africa came to Broadway this week and folks are wondering if the Chambers of Commerce on the Dark Continent are doing a little promoting. "Four Feathers" is at the Capitol, "Stanley and Livingstone" is at the Roxy and "Beau Geste" is at the Paramount. In the second-runs is "Tarzan Finds a Son." All have African locales.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 4

Anita Page Charles Delaney
Helen Kane Daniel N. Rubin

Fred Steele

AUGUST 5

Robert Vignola Emanuel Cohen
M. A. Lightman Reginald Owen

Burton King

AUGUST 6

Leo Carrillo Frank Tuttle
Louis K. Sidney Hoot Gibson
Irvin Shapiro

NO CHANCE FOR SUIT TRIAL BEFORE JAN. 1

(Continued from Page 1)

pressed sympathy with the Government's efforts for an early trial and went into full details as to the calendar condition of the District Court here.

Special Assistant Attorney General Paul Williams in his statement to the Court urged Judge Knox to put the case on for trial by Nov. 1, stating that the public interest and the situation in the industry made an early trial urgent. Williams was supported in his argument by David L. Podell, possible trial counsel for the Government, who stated that there was a "very serious situation" in the industry and that an independent distributor or producer "hasn't got a chance to survive."

The Government was receiving numerous complaints from all over the country, Podell continued, and it was to the public interest that an impartial tribunal review the situation. The Government would take a maximum of four months to try its case, Podell declared.

Col. William J. Donovan, in opposing the application, contended that the majors were not opposed to an early trial, but that they required at least until March to complete preparation of their defense. The defendants still have months of work ahead of them, and must investigate and cover some 15,000 independent exhibitors and a large number of independent producers, Donovan said. Moreover, he declared, the motion picture industry has been working on a new fair trade practice code for the last three months which would answer a substantial part of the Government's charges.

Judge Knox interrupted Donovan to say that he was presiding over a 77-B bankruptcy proceeding of an uptown theater and that he had been unable to obtain pictures for that house "for love or money." The value of the theater had fallen, he said, from \$50,000 to \$30,000.

Judge Thomas D. Thacher took up the argument for the majors, reiterating that the defendants could not be adequately prepared earlier than March. He stated that the structure of the industry had resulted from natural economic developments and that the problems facing a trial judge would require intimate knowledge of why and how it happened. This would require, Thacher said, fullest preparation of the case and the presentation on trial of the fullest details.

Ralph Harris completed the arguments for the defendants by urging

APL and ITA Execs. Meet in Toronto Today To Further Plans for Convention of Indies

Toronto—To further plans for the forthcoming convention of the Anti-Protection League to be held here late in August or early in September, with independent exhibitors attending from every province in the Dominion, members of the APL's central committee and the Independent Theaters Ass'n Board of Directors is scheduled today. This conference will call a special general meeting of the ITA, to be held next week when every independent in Ontario, whether a member of the ITA or not, will be invited to attend. Convention date will be set at that time.

10,438 Positive, 515 Neg. Prints Exported in 6 Mos.

Washington Bureau of THE FILM DAILY

Washington—To all markets of the world, 10,438 separate positive and 515 negative prints of features of 4,000 feet or more were exported in the first six months of the current year, it was estimated yesterday by Nathan D. Golden, chief of the Motion Picture Division of the Department of Commerce.

Preliminary figures for the first six months for U. S. exports of motion picture films, both negative and positive, show a decrease of 8,070,745 linear feet as compared with the first six months of 1938. During the current year a total of 79,402,568 linear feet of American negative and positive film, valued at \$1,724,237 was exported to the markets of the world as compared with 97,473,313 linear feet with a value of \$2,122,719 for the first six months of 1938.

Positive films for the first six months of 1939 totaled 75,734,690 linear feet with a value of \$1,568,722 and negatives for this period totaled 3,667,878 linear feet valued at \$155,515 as against 93,081,777 feet of positive film valued at \$1,962,151 and negatives totaling 4,391,536 feet having a declared value of \$160,568 during the same six-month period of 1938.

the Court to allow the case to be reached in its natural course and stated that there was no emergency which would require an earlier trial.

UA Denied More Definite Bill in U. S. Equity Suit

United Artists Corp. yesterday lost its battle to obtain a more definite and adequate bill of particulars in the Government's equity suit against UA and the other majors when Federal Judge Edward A. Conger handed down a decision denying in full the application.

Judge Conger stated that he felt that there was "a fair and reasonable compliance with the order of Judge Bondy," therefore, denying the motion. United Artists was also defeated in its efforts to secure an extension of 60 days to answer the complaint since Judge Conger's decision directed UA to serve its answer "within 10 days after service of a copy of this order."

UA had sought further details on 11 items of the complaint, claiming that the Government had unsatisfactorily set forth the details in its previous bill, in addition, it had requested the Court to strike out certain allegations of the complaint which referred specifically to UA.

Nova Scotia Sales Deadlock Seen Near End With Truce

(Continued from Page 1)

ing a clause voiding the agreements if Bill 92 is proclaimed. This, it is believed assures speedy end of the selling deadlock which has persisted here for weeks.

Bill 92, which would outlaw any "discrimination" in the sale of motion pictures as between circuit and indie customers and put the distribution of motion pictures under the Provincial Department of Theater Inspection and Censorship, roused the Canadian distributors to the extent that certain of them reportedly threatened to withdraw from the affected territory.

Meetings between all factions resulted in the decision not to proclaim the act until a newly-formed Conciliation Board had an opportunity to deal with the grievances which gave rise to the bill.

This Board, whose chairman, A. J. Mason, is also past president of the Allied Exhibitors, has not yet established whether or not conciliation will be far-reaching enough to satisfy the independents. Says Mason: "... until we are satisfied with Conciliation we certainly will not make any move to have the bill repealed."

Discussion on whether or not to sign contracts with the provisional clause "that should bill 92 be proclaimed the contract would become null and void at the discretion of the distributor" the independents, according to Mason reasoned thus: "The main issue was of course the question of securing the 1939-40 product. The fact remained that in the event we refused to sign there would be no pictures, that is the information given to us, ... resulting in a shutdown of theaters in this Province."

National Organization Looms For Australian Film Trade

(Continued from Page 1)

tion of an Australian national film organization upon his arrival in Sydney.

Grierson, now in Canada en route to "down under," last year aided the Canadian Ministry of Trade and Commerce in measures for the formation of the Canadian Film Board.

Grierson, discussing industry trends, declares that the pix audience during the last two years has developed "film taste" and no longer go to the theater through force of habit.

CODE ADMINISTRATION UNDER JOINT CONTROL

(Continued from Page 1)

tributors have not yet had time to give their attention to an administrative system, it is reported that the carrying out of the code will be done jointly by exhibitors and distributors. It is likely that secretaries will be installed in each of the key cities.

W. F. Rodgers, spokesman for the distributors, said yesterday that had been the intentions of his committee to wind up the code details this week but that unavoidable delays had made it necessary to postpone the announcement until "early next week."

Schenck Reports Disposal of 700 Shares 20-Fox Pfd

(Continued from Page 1)

of security transactions and holding Schenck now holds 22,584 of the preferred shares and 108,943 shares of common stock.

In a corrected report for March 1939, Harry Cohn reported receiving 42 shares of Columbia common stock as a stock dividend, bringing his total common holdings to 1,765 shares and 1,762 common voting trust certificates also as a stock dividend bringing his total certificate holdings to 72,284. The Joan Perry account listed under Cohn, received 30 certificates through stock dividend bringing the total to 1,260.

Loew's Boston Theaters reported that Loew's, Inc., has acquired 10 more shares of common stock. The parent company now holds 99,792 of Loew's Boston common stock.

A corrected report for May, 1939 states Y. Frank Freeman has acquired 500 shares of Paramount per cent convertible 2nd preference representing his entire holding of that class. Freeman's wife holds 60 shares, it was reported.

Report of Universal states Daniel M. Sheaffer has acquired 500 common voting trust certificates, bringing his total to 18,000, and holds 26 500 certificates through Standard Capital Co. He also holds 111,288 common voting trust certificate warrants through Standard Capital Co. it was reported.

In a 1938 report, Keith Albee Orpheum states N. Peter Rathvon, director, holds no equity securities as of Dec. 8, 1938.

"Hallelujah" Revival

King Vidor's all-Negro production "Hallelujah," a Metro 1929 release will return to Broadway tomorrow at the New Amsterdam Theater for an extended engagement.

Hotel Into Theater

Pittsburgh—Speer Marousis, who operates the Regent Theater in New Castle, has purchased the four-story Fountain Inn Hotel in this town and will convert it into a modern first-run theater, on which work is to begin immediately.

Grandpappy Golden

Eddie Golden, vice-president of Monogram, became a grandpappy at 3:58 yesterday morning. A baby girl, weighing 6 1/4 pounds, was born to his daughter-in-law, Mrs. Robert Golden, in Hollywood. Golden received word of the arrival while attending the Schine convention in Gloversville.

4 BIG ONES

FINISHED!



4 BIG ONES

SHOOTING!

...AND MORE ON THE WAY FROM RKO RADIO...



EIGHT PICTURES
AS GREAT AS THE
BIG NAMES IN
THEM!



EIGHT PICTURES
AS GREAT AS THE
MIRACLE MEN
WHO DIRECT THEM!

GINGER ROGERS · CAROLE
LOMBARD · CARY GRANT
KAY FRANCIS · ANNA NEAGLE
CHARLES LAUGHTON · ANNE
SHIRLEY · JOHN WAYNE
CLAIRE TREVOR · HELEN
VINSON · RAYMOND MASSEY
DAVID NIVEN · CHARLES
COBURN · FRANK ALBERTSON
MAY ROBSON · EDNA MAY
OLIVER · ZASU PITTS
H. B. WARNER · GEORGE
SANDERS · WALTER
CONNOLLY · VERREE
TEASDALE · FRANKLIN
PANGBORN · BRIAN AHERNE
SIR CEDRIC HARDWICKE
WALTER HAMPDEN
MAUREEN O'HARA

GARSON KANIN · JOHN
CROMWELL · HERBERT
WILCOX · GREGORY LA CAVA
GEORGE STEVENS · WILLIAM
SEITER · WILLIAM DIETERLE

BACHELOR MOTHER

starring

GINGER ROGERS
DAVID NIVEN

with

CHARLES COBURN
FRANK ALBERTSON
E. E. CLIVE

DIRECTED BY GARSON KANIN
PRODUCED BY B. G. DeSYLVA
PANDRO S. BERMAN IN CHARGE OF PRODUCTION
SCREEN PLAY BY NORMAN KRASNA
STORY BY FELIX JACKSON

THE NEW SEASON'S
FIRST BIG HIT! . . .



Now playing to peak midwinter grosses in first runs throughout the country! . . . Held over at Radio City Music Hall after a first week that lifted it to that coveted \$100,000-a-week class! . . . AS BIG AS THEY MAKE 'EM—AND PRESENT GROSSES PROVE IT!

Carole LOMBARD

and
Cary GRANT

and
Kay FRANCIS

in



IN NAME ONLY

**RADIO CITY MUSIC HALL
ATTRACTION
STARTING AUGUST 3**

with

**CHARLES COBURN
HELEN VINSON
KATHARINE
ALEXANDER
JONATHAN HALE
MAURICE
MOSCOVICH**

PANDRO S. BERMAN
in charge of production.
Directed by **JOHN
CROMWELL**. Produced by
GEORGE HAIGHT. Screen
Play by **Richard Sherman**



STARS, STARS, STARS . . . Carole and Cary and Kay . . . the biggest box-office threesome of the season . . . all in the Park Avenue-flavored drama of a blonde-brunette battle for the love of a man worth fighting for! . . . A BIG-TIME SHOW NOW SET FOR PRE-RELEASE RUNS IN KEY SPOTS COAST TO COAST!

CHARLES LAUGHTON

THE HUNCHBACK OF NOTRE DAME

PANDRO S. BERMAN IN CHARGE OF PRODUCTION

with WALTER HAMPDEN
MAUREEN O'HARA
SIR CEDRIC HARDWICKE
and a cast of thousands



NO WAITS BETWEEN
BIG ONES..THIS ONE
SHOOTING RIGHT NOW!

VICTOR
HUGO'S
mighty novel,
directed by
WILLIAM
DIETERLE

[by special arrangement
with Warner Bros.]

NO WAITS BETWEEN
BIG ONES..THIS ONE
SHOOTING RIGHT NOW!

PRODUCED AND
DIRECTED BY
**GEORGE
STEVENS**

CAROLE LOMBARD

VIGIL IN THE NIGHT

A. J. CRONIN'S GREATEST STORY SINCE "THE CITADEL"

PANDRO S. BERMAN IN CHARGE OF
PRODUCTION

with

BRIAN AHERNE ANNE SHIRLEY

NURSE EDITH CAVELL

**OPENS RADIO CITY
MUSIC HALL
IN AUGUST!**

starring **ANNA NEAGLE**
with **EDNA MAY OLIVER • GEORGE
SANDERS • MAY ROBSON • ZASU
PITTS • H. B. WARNER •** RKO-IMPERADIO
PICTURE

Screenplay by Michael Hogan. Musical score by Anthony Collins

IT'S MORE THAN A BIG PICTURE...

it's the screen's greatest
tribute to the glory of woman's courage
and the wonder of her unpredictable
heart!... It's Hollywood's newest note
in super thrillers, with England's greatest
actress in the role that will make her
one of America's most popular stars!

Produced and directed
by **HERBERT WILCOX**

"STAGE DOOR" LA CAVA'S

FIFTH AVENUE GIRL

starring

GINGER ROGERS *with*

**WALTER CONNOLLY · JAMES ELLISON
TIM HOLT · VERREE TEASDALE
KATHARINE ADAMS · FRANKLIN PANGBORN**

Produced and directed by **GREGORY LA CAVA**



**RADIO CITY MUSIC HALL
LABOR DAY WEEK!**



PANDRO S. BERMAN
IN CHARGE OF
PRODUCTION

Streamlined Cinderella in sables! . . . Joyous Ginger in the perfect role for a picture to cause the "Ohs" and "Ahs" and heart-throbs! What a set-up for the producer-director who wrapped up your heart with "Stage Door." . . . Soon ready for pre-release runs everywhere!



NO WAITS BETWEEN
BIG ONES..THIS ONE
SHOOTING RIGHT NOW!

THE GREATEST ACTION SPECIAL

you'll get this year! . . . The screen's mightiest moving drama of pioneers against the wilderness! . . . It's all excitement, thrill and wonder . . . Outdoors on the grandest scale the movies have ever seen! . . . ONE OF THE BIGGEST AND MOST IMPORTANT PICTURES ON RKO RADIO'S GREAT LIST FOR 1939-40!

ALLEGHENY FRONTIER

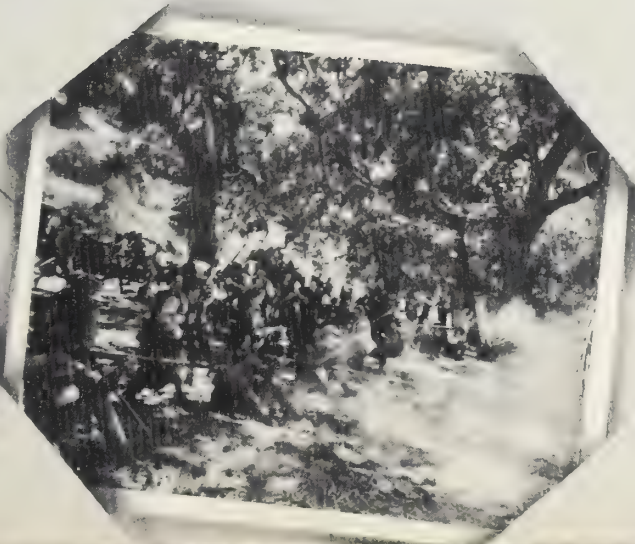
Played by a cast of thousands of settlers, Indians, soldiers, scouts, wagon-trainmen and backwoods statesmen headed by

JOHN WAYNE • CLAIRE TREVOR
GEORGE SANDERS

. . DIRECTED BY
**WILLIAM A.
SEITER**

PANDRO S. BERMAN
IN CHARGE OF PRODUCTION

From the stirring
pages of the novel,
"The First Rebel,"
by Neil Swanson.

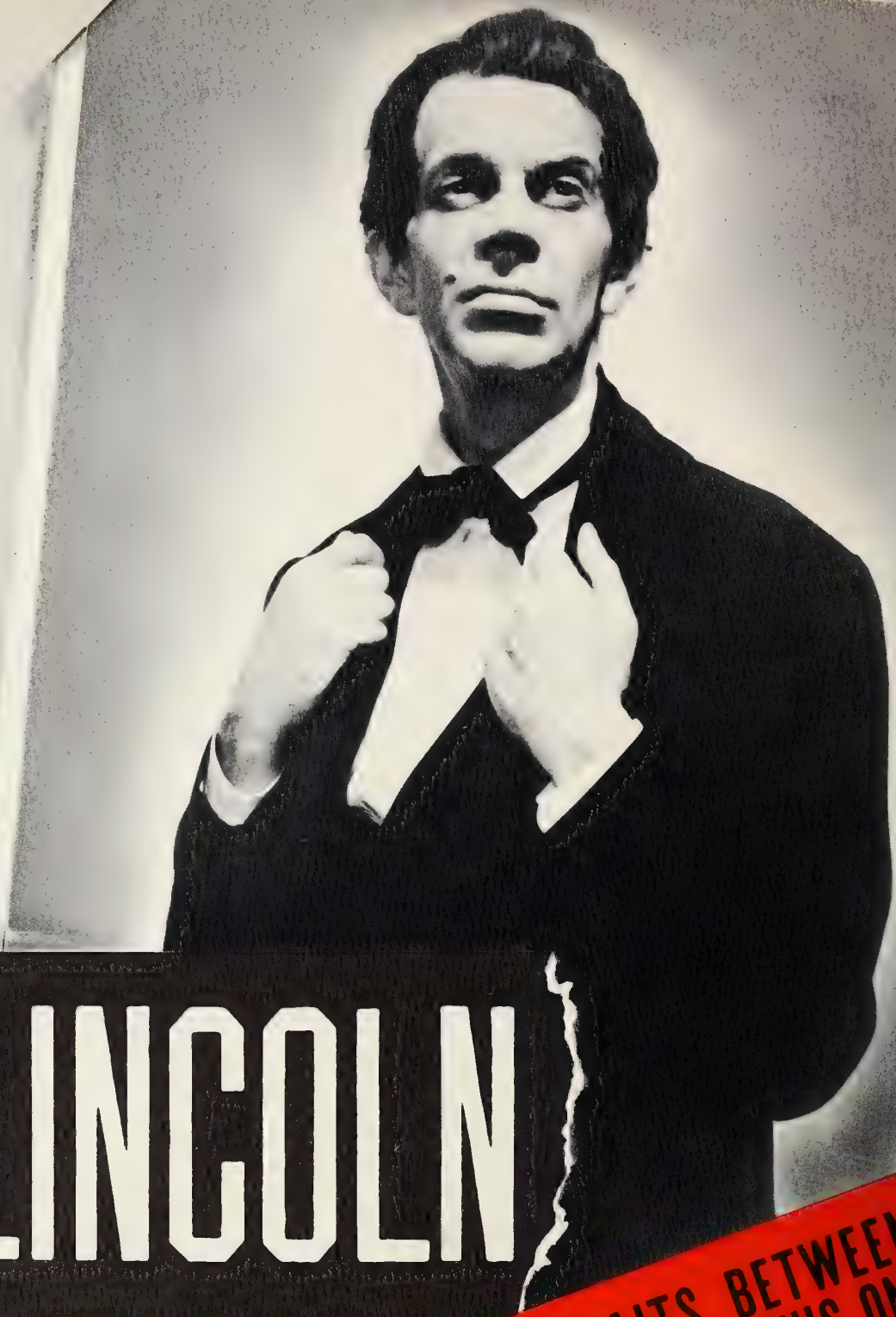


THE ONE GREAT
LINCOLN SHOW
OF ALL TIME!

RAYMOND
MASSEY

in

ROBERT E. SHERWOOD'S
PULITZER PRIZE PLAY...



ABE LINCOLN IN ILLINOIS

NO WAITS BETWEEN
BIG ONES... THIS ONE
IN PRODUCTION NOW!

© DE MIRJAN

Directed by
JOHN CROMWELL

Presented by MAX GORDON . .
Produced by
MAX GORDON PLAYS AND
PICTURES, INC.,
HARRY M. GOETZ, President
MAX GORDON, Vice-President

EIGHT OF THE BIGGEST SHOWS
YOU EVER HAD THE LUCK TO PLAY!

Top-Bracket Pictures... Every One!

BIG IN STAR NAMES!

BIG IN DIRECTORS!

BIG IN QUALITY!

BIG IN ENTERTAINMENT!

BIG AT THE BOX OFFICE!

AND COMING SOON!..

"THE AMERICAN WAY"

MARCH OF TIME'S

"THE RAMPARTS WE WATCH"

"IVANHOE"

LESLIE HOWARD IN

"THE MAN WHO FOUND HIMSELF"

GEORGE STEVENS' "PARTS UNKNOWN"

LAUREL AND HARDY IN "THE FLYING DEUCES"

"TOM BROWN'S SCHOOL DAYS"

JEAN HERSHOLT AS "DR. CHRISTIAN"

"THE SWISS FAMILY ROBINSON"

"AFRICAN INTRIGUE"

"THE DEERSLAYER"

HAROLD LLOYD'S "CHASING RAINBOWS"

CARY GRANT IN "PASSPORT FOR LIFE"



JUST SIGNED!

KAY KYSER

and his orchestra, hottest thing in Entertainment, to be directed in a spectacular musical by DAVID BUTLER. Titled from the "Old Professor's" own radio line: "That's Right—You're Wrong."

ORSON WELLES

... Spectacular genius of the Show World —brilliant actor and director, to make one picture a year . . . and what a picture is planned for his first!

BACHELOR MOTHER

starring

GINGER ROGERS
DAVID NIVEN

with

CHARLES COBURN
FRANK ALBERTSON
E. E. CLIVE

DIRECTED BY GARSON KANIN
PRODUCED BY B. G. DeSYLVA
PANDRO S. BERMAN IN CHARGE OF PRODUCTION
SCREEN PLAY BY NORMAN KRASNA
STORY BY FELIX JACKSON

THE NEW SEASON'S
FIRST BIG HIT!....



HELD OVER

BOSTON · ROCHESTER · SYRACUSE · CINCINNATI
DAYTON · CLEVELAND · DALLAS · HOUSTON · INDIANAPOLIS
LOUISVILLE · LOS ANGELES · NEW ORLEANS · NEWARK
BROOKLYN · ATLANTIC CITY · TRENTON · PITTSBURGH
ST. LOUIS · SAN FRANCISCO · WASHINGTON

EVERYWHERE

THAT'S WHAT WE MEAN WHEN WE SAY **BIG ONES!**

...RKO RADIO PICTURES

BIG NEWS

Carole
LOMBARD ★ *Cary*
GRANT ★ *Kay*
FRANCIS

"IN NAME ONLY"

CHARLES COBURN • HELEN VINSON KATHARINE ALEXANDER
JONATHAN HALE MAURICE MOSCOVICH

PANDRO S. BERMAN in charge of Production • Directed by John Cromwell
Produced by George Haight • Screen Play by Richard Sherman

That's the kind we mean when

AT 4:12 YESTERDAY AFTER-
NOON "IN NAME ONLY" HAD
FORGED WAY AHEAD OF THE
SAME-TIME OPENING-DAY
FIGURES OF "BACHELOR
MOTHER" AT RADIO CITY
MUSIC HALL... AND
"BACHELOR MOTHER," RE-
MEMBER, FINISHED ITS
FIRST WEEK GLORIOUSLY UP
IN THAT COVETED \$100,000-
A-WEEK CLASS!

we say **BIG ONES** from RKO RADIO

month.
ent in the 300-
est and
1941.

THEATERS

- AIR CONDITIONING
- COOLING EQUIPMENT
- PROJECTION

EQUIP

DEBRIE BRINGS OUT NEW PRINTER TYPES

Several new printers are announced by R. Fawn Mitchell, manager of Andre Debie, Inc., manufacturers of motion picture apparatus.

Salient among them is a new 16 mm. picture reduction printer which runs over 60 feet per minute on the 35 mm. side, or about twice the speed at which ordinary step type printers can be run, company states. This high speed is made possible only by the rugged construction of the machine and of its working parts.

Debie has still further increased the output by incorporating an optical beam splitting unit in the lens system. This is so designed that it produces two absolute identical 16 mm. images at one time from a single 35 mm. negative. Two 16 mm. strips, or only one as preferred, are threaded on the 16 mm. side.

The optical unit is corrected achromatically to insure the best definition for black-and-white work, and also with a view to the possible use for reduction of color negatives.

Thus at one stroke, the Debie reduction printer, it is claimed, turns out about four times the 16 mm. footage in a given time than can be secured from ordinary types. Not only is this great increase in output obtained, but highest quality, company reveals, is maintained. Special features such as oscillating gates and adjustable pilot pins are integral features of the design which permit the quality to be maintained at the high speed of operation.

New Orleans "Push-Pull" Debut Via Goldwyn Pix

New Orleans—Audiences here will get hearing of "push-pull" sound recording systems about Aug. 18 when the UA-Goldwyn opus, "They Shall Have Music," opens at local Loew's State.

Technicians say that the Loew house is only one in local territory equipped to offer the new double sound track.

Hesses Erecting Another

Groton, Conn.—Ground has been broken for a new 500-seat theater here by Mr. and Mrs. J. C. Hess, operators of the Moosup Theater.

Cool Evansville Houses

Evansville, Ind. — Westinghouse Electric and Manufacturing Co. has installed modern air conditioning equipment in the Loew and Grand theaters.

NTS Men on the Go

According to figures just released, National Theater Supply Co. representatives travel over their respective territories at the rate of 3,792 miles a day, or the equivalent of a journey around the world every 6½ days. Since old mother earth's circumference today is listed at 24,900 miles, NTS men in traveling 1,400,000 miles a year to call on their customers, went 56 times around the world.

K. Lee Williams Will Build in Fordyce. Ark.

Oklahoma City—K. Lee Williams of K. Lee Williams Theaters, Inc., has announced that the firm will build a new theater in Fordyce, Ark., in the immediate future. C. E. Parker, who has rebuilt five of the organization's recently acquired houses, will supervise construction of the new house at Fordyce. Williams also announced that he will take over the Amusu Theater at Fordyce Aug. 12 and operate it until his new house is ready. The Amusu will then be closed for remodeling.

This will give the Williams circuit theaters in Broken Bow, Okla., and Nashville, Dierks, DeQueen and Ashdown, in Arkansas, as well as Fordyce.

Eberson and Price Work On Plans for Cincy House

Cincinnati — John Eberson and Harry H. Price, architects headquartered in New York and Cincinnati, respectively, are currently working on plans for the new 700-seat theater which will be erected shortly by the Cincinnati Times-Star on the premises which latter owns at Sixth and Walnut Sts. here.

House has already been leased to Gifts, Inc.

Form Comfort Products

Chicago—J. T. Coyle, T. M. Wilkes and B. J. Stpizka have organized the Comfort Products Corp., with offices at 161 154th St. in Harvey to deal in air conditioning equipment.

Rautenberg Promoted

Chicago—E. C. Rautenberg has been named assistant general sales manager for the Celotex Co. W. E. Richardson takes Rautenberg's former position at the Boston offices of the company.

B. F. Southern Building

Clarksville, Va.—B. F. Southern, manager and owner of the State, has broken ground for another 600-seat house to be completed in 90 days.

ROSS DISTRIBUTING NEW M-R ARC LAMPS

Since Mole-Richardson, Inc., have made available to the motion picture industry the efficient and quiet H. I. Arc Spots of 120 and 150 amp. capacity, distributed in the east exclusively by Charles Ross, Inc., of New York, there has arisen in both the color and black-and-white photographic field a demand for a spot similar to the larger units, but of lower current capacity.

For those photographic operations conducted at short range or at lower intensities, these new H. I. Arc Spot Lamps have proved most effective. The light projected from these units corresponds exactly with that of the high powered units in spectrum quality, and permits them to be used interchangeably with the high powered units in color photography.

The M-R Type 65 H. I. Arc Lamps fills the new need and have found expansive use for both front and back-lighting, in close up and medium shots. The field of light which these lamps project in all divergences has an almost uniform high intensity in the main portion of the beam, the edges of which taper off in intensity.

This distribution, characteristic of lamps equipped with Morine lenses, is ideal for photographic purposes as it permits beams of light from various units to be overlapped without showing objectionable high intensities, Charles Ross points out.

NTSC Gets Ritz Contract

Jewett City, Conn.—National Theater Supply Co. will install projection, sound and screen in the new 750-seat Ritz Theater, under construction by Torans Amusement Corp., American Seating has contract for the chairs. The house is expected to be ready Sept. 15.

Carr Gets Seat Order

Detroit — Midwest Theaters has awarded reseating contract for the 1,400-seat Majestic Theater to George W. Carr of International Seating Co. New flooring is also being put in. The house will be reduced about 200 seats to accommodate the new larger seats.

Install GE Systems

Bridgeport—General Electric air-conditioning systems have been installed in the 730-seat Rivoli Theater and 490-seat Brooklawn. Strand Amusement will reseat and install new booth equipment in the 900-seat Hippodrome this month.

FILM HOUSE

Possibilities I

By JOHN EBE

DESPITE the steady numerical growth of motion picture theaters during the past decade, there is still room for more, not only in certain larger communities, but in the smaller ones, and, it might be said, particularly in the latter.

So institutional has the film house become that one can scarcely conceive of a community whose population, when it has grown to a point where civic buildings are considered essential or even advisable to erect, does not at least aspire to rear or have reared for entertainment and diversion a film house of its own.

Yet there are literally hundreds of so-called little towns which should have, and want, their own theaters, but have not yet found the wish fulfilled. Instead, their film-loving inhabitants must journey to a nearby town to satiate their cinematic tastes,—and the reason for the imposed compulsion is simply that the "nearby" town is utilized to draw upon a number of other towns, adjacent to itself, on the theory that otherwise the offering of screen entertainment would not be a paying proposition.

IN some instances this is doubtless true, but these are not the instances of which we speak. Let us take an example. Town "A," which has a commodious film theater, has located near it three other towns, "B," "C" and "D." The latter trio have populations in their own right which should have theaters. Instead, their citizens are forced to go to town "A."

Now what is true of certain individual towns forming a group is

Friestack Will Build

Harrisburg, Pa.—Frank Friestack, owner of the New Cumberland (Pa.) Theater near here, announces he will build a \$53,000 theater starting Aug. 1. Contract will be awarded soon. Workmen are now razing the double house which stands on the site.

Gounares Planning Nabe

Mobile, Ala.—Alex Gounares, who runs two theaters and an amusement park here which also shows films, is planning another nabe.

MENT

STUDIOS

- FURNISHINGS
- CARPETING
- SOUND SYSTEMS

S FOR ALL

Tabloid Type
N, Architect

likewise true of certain cities. Let us take an example of this. City "A," although apparently a single entity, bearing a fixed community name and entitled to geographical recognition as such, is, nevertheless, an actual collection of separate communities, and more particularly so when there is considered "suburban" groups. Yet some of the sections have no theater.

There was a time, a number of years ago, when the film fans of a big Midwest city trekked to its "main street" area for film diversion,—for in that section existed the only houses devoted to film entertainment,—but today, the various sections of the same city have neighborhood houses which are highly prosperous, modern in most details, and compare favorably with their "main street rivals."

SUGGESTED from these and other observations is the question,—what means can be taken to provide small communities, and sub-divisions of large ones,—with film theaters of their own?

There IS a plan, and one which, in the writer's opinion is practical. The idea, if put into execution, would more than serve the convenience of the theater patron. Additionally, it would be a benefit to the enterprising exhibitor or circuit operator, and likewise to distributors.

The idea fundamentally is . . . a new, standardized type of motion picture house.

(In a subsequent article, John Eberson will discuss the possibilities of the tabloid film theater.)

Second Beechler House

Detroit—Cass R. Beechler, operator of the Eaton Theater at Charlotte, is building a second house there for opening Aug. 15. Equipment has been sold by National Theater Supply here, including Simplex sound and projectors, Crestwood carpets, Walker Sound Screen, Peerless lamp houses, and Hertner generator.

New House for Dania, Fla.

Dania, Fla.—Site for a theater has been acquired by Dania Amusement Co.

HILD'S NEW CLEANER BUILT FOR THEATERS

Designed for use in motion picture theaters, which have the constant problem of floor maintenance, as well as keeping in clean and attractive condition such interior essentials as carpets, upholstery and draperies, the new Model 16 Hild Vacuum Machine, manufactured by the Hild Floor Machine Co. of Chicago, is being widely marketed.

Unit complete with all its attachments weighs only 85 pounds, and one man alone can easily carry it up or down stairs.

Dust Arrestor Tank is made of 20 gauge rustproof brass, reinforced and attractively polished. It is 22 inches high, 16 inches in diameter, and has a capacity of 16½ gallons. Four soft rubber 3-inch casters are mounted in cast iron extension brackets which are solidly riveted to a 4-inch steel band encircling the tank. Wide spacing of the casters prevents the machine from tipping when it is pulled over door sills or folds in rugs.

Dust Filter Rag is made of extra heavy fabric. It is 23 inches wide and 30 inches high, with a filtering area of 1,440 square inches. It is equipped with a 10-inch dump.

Standard equipment furnished with Model 16 consists of 15-inch rigid floor tool, floor tool handle, upholstery tool, and one ten-foot length of two-inch diameter hose.

CFLC Buys Building

Chicago—The Chicago Film Laboratory Co. has bought the building at 18 W. Walton St. and will modernize it as a company workshop. Mrs. A. G. Dunlap is president of the company and Miss Inez Ridgeway, managing director.

Dusinberre Turns Exhib.

Redbud, Ill.—C. T. Dusinberre, former RCA sound engineer, who is building the new Red Bud Theater here, has placed an order with the Exhibitors Supply Co., St. Louis, for 300 de luxe chairs. Hopes to open about Sept. 1.

New Motiograph Distribs.

Chicago — Guercio and Barthel have been appointed Chicago distributors for the Motiograph line of projectors. The GerBar, Inc., have taken the distribution for the Indianapolis territory.

Reseated by ASC

Thomaston, Conn.—American Seating Co. will install 700 chairs in the new Park Theater, under construction by Robert Schwartz, operator of the Paramount.

Aerial Service

Richmond, Va.—William Attmore, local RCA engineer, has just secured his private pilot's license, which enables him to serve his accounts by plane.

South Bend Lathe Works Has Three New Models

A new bulletin, No. 43, has been issued by the South Bend Lathe Works, South Bend, Ind., illustrating and describing the three new models of the Workshop Precision Lathe, and the new improvements which have been added.

Most of these improvements are the Quick Change Gear Box, Power Cross Feed and Power Longitudinal Feed of the Model A Workshop Lathe, which make available a popular priced precision bench lathe with complete engine lathe features.

The Model B has independent change gears and power feeds, and the Model C is same lathe company has been manufacturing, having geared screw longitudinal feed and hand cross feed.

Copies of the new bulletin can be obtained from company's Technical Service Department.

THEA. IMPROVEMENT BIZ LOOKS UP IN CHI.

Chicago—Theater improvement biz is looking up, according to the Guercio and Barthel Co. Firm has closed with the Rialto Theater at Joliet, a Great States subsidiary house, for two Model K Motiographs. Other orders are in prospect.

The Stanley Theater Equipment Co. has several overhauling jobs on the books, according to Stanley Levine of that company and expect more during the next few weeks.

New theaters are also on the upgrade, Pereira and Pereira, theater architects, say. Plans are being rushed for a modernistic house for Madison, Wis., for the Fox circuit. They also report several inquiries from prospective builders, both circuit and independents for Fall summation.

Watts Plans 450-Seater

Brookhaven, Miss.—L. Watts, who operates a house in Rodessa, La., is planning construction of a 450-seater here to be known as the State.



"THEY SHALL HAVE MUSIC"

You'll hear the sweet music of extra coins tinkling in the box office till if you give them Alexander Smith Carpet as well . . . one reason why you'll find this famous carpet in most of the country's successful theatres.

ALEXANDER SMITH CARPET

MAP CAMPAIGN TO ASSURES NEELY BILL

(Continued from Page 1)

Women's Clubs, W.C.T.U., etc., according to the plans now being mapped, will proceed to contact Representatives as soon as they return to their homes, and propose to permit no letup during the months intervening before Congress reconvenes in December.

With Congressional elections scheduled for next year, the strategists of the Neely forces are confident that they can force the issue at the next session regardless of any reluctance the House Interstate Commerce Committee may manifest. Chairman of the later is Rep. Clarence Lea, D., Calif.

Affiliates of AAAA Planning Further Reprisals Against IA

(Continued from Page 1)

and their motives in the charter action was mailed to 30,000 members of the AAAA last night. The AFA, in turn, was hastily mailing ballots

West Coast Bur., THE FILM DAILY

Hollywood—More than 3,000 members of SAG yesterday signed a petition authorizing the Guild executive board to call a strike if deemed necessary to thwart IATSE encroachment. The signers also pledged themselves never to be members of IA or AFA.

to its members for approval of the acceptance of the IA charter, it was reported.

In the AAAA letter, a categorical list of charges against Ralph Whitehead, executive secretary of the AFA, were listed. Following a description of the history of the AFA and the incidents leading up to the union's expulsion from the 4 A's, the situation was described as "a public scandal." William Bioff and George E. Browne are especially assailed.

The members of AAAA affiliates, to which the letters were sent, are urged to do everything within their power to make their feelings known to fellow members and the public at large.

Conduct of Joseph Padway, counsel for the A F of L and the AFA was also a subject of comment in the letter. The AAAA questions his position as attorney for both organizations, with the inference that it is hardly possible he can be impartial.

Keeping Curtiz Busy

West Coast Bur., THE FILM DAILY

Hollywood—Michael Curtiz has been handed the job of turning out three important pictures during next five months. They are: "Four Wives," sequel to "Daughters Courageous," with the Lane sisters, Gale Page, John Garfield, May Robson, Claude Rains and Donald Crisp; "The Sea Hawk," starring Errol Flynn; and "Nevada," epic western, also with Flynn. Latter two are set for Technicolor and because of their large scale character, Curtiz will have two production crews working with him continuously between now and an. 1.

THEATER CHANGES

A Nation-wide Survey of Theater Conditions Conducted
Exclusively for THE FILM DAILY by
ROSS FEDERAL SERVICE, INC.

Theater Closings

CALIFORNIA

Arvin—Arvin (7-13-39); Owner: Banducci & Lemucchi Theater Co.; Completely destroyed by fire.

KANSAS

Ellsworth—Dickinson (7-15-39); Owner: Griffith and Dickinson; Sold lease to Commonwealth.

OKLAHOMA

El Reno—Empress (6-15-39); Owner: Griffith Circuit.

UTAH

Logan—Capitol, 1,500 seats (7-23-39); Owner: Intermountain Theaters, Inc.; House Manager: Mr. Earl Baughman; Previously closed in April.

Theaters Planned

MICHIGAN

Detroit—"B" 325 seats, Warren Shaul Bldg.; Builder: Cash R. Beechler; Cost: \$10,000; Operator: Cash R. Beechler.

MONTANA

Chinook—Site; Old Meat Market; Operator: Mr. Griffin.

TEXAS

Bishop—New, 300 seats, J. E. Chiles Bldg.; Operator: Jack Crow.

Theaters Under Construction

CALIFORNIA

Oildale—River, 900 seats, El Teton at Chester Ave.; Builder: Guy Hall; Cost: \$35,000; Operator: Banducci & Lamucchi Theater Co.; To be completed on or about September 1st, 1939.

Syracuse Strike Deadline Postponed; Meets Continue

Syracuse—Film truckers strike deadline has been postponed indefinitely, with meetings being held with State Labor Mediator, James McManus and Edward Murphy, International representative from Chicago. Meetings at present are deadlocked with drivers asking 80 cents an hour and operators offering 76 cents.

Smith Howell Trucking Co. has added drivers and trucks to prevent delays in film shipments.

Elbert Tyson Dead

Chicago—Elbert R. Tyson, 65, manager of Eastman Kodak Stores in the local territory, is dead here. His wife and daughter survive. Funeral services are pending. Burial will be in Forest Home Cemetery.

OHIO

Columbus—New, 1571 Parsons Ave.; Builder: G. E. Rappold; Architect: Hypp I. Dauben; Cost: \$17,000.

WEST VIRGINIA

Lewisburg—Lewis, 650 seats; Operator Kanawha Theater Co.; To be completed (opening) August 28th.

Renovations Planned

ARIZONA

Duncan—Duncan; Work Planned: New seats, new marquee, interior enlarged, general renovation; Owner: Long of Safford, Arizona; To be completed: Nearing completion.

MONTANA

Fort Benton—Palace; Work Planned: Extending and adding 50 more seats; Owner: Fred Arnst.

Change in Ownership

COLORADO

Ft. Morgan—Cover, transferred to J. C. Parker of Dalhart, Texas, by J. C. Anderson.

OKLAHOMA

Del Reno—El Caro, transferred to E. R. Slocum to Griffith Circuit; House Manager: E. R. Slocum.

TEXAS

Dallas—Mirror, transferred to Robb & Rowley by Interstate; House Manager: L. D. Hillhouse.

Dallas—Bison, transferred to Interstate by Robb & Rowley.

Dallas—Astor, transferred to Interstate by Robb & Rowley.

Arcadia Decision Nears On Eastern Production

(Continued from Page 1)

the next few days, Jack Skirball, head of the company, said yesterday upon his arrival from the Coast. Skirball said that Eastern production was being "contemplated seriously" and that a decision would be made when the distribution plans were set.

While admitting that negotiations were under way with several major companies, Skirball said that a deal with one company was near to closing. It has been reported that Columbia would distribute the product.

"Angela is 22," by Sinclair Lewis, may be the first of Skirball's major pictures.

«REVIEWS»

"They All Come Out"

M-G-M

70 Mins.

FINE HUMAN STORY OF YOUNG LOVERS CAUGHT IN CRIMINAL TOILS CARRIES STRONG ENTERTAINMENT.

A very human document that presents a more or less factual story from the files of the Federal government, involving cast of characters of different types of criminals. The treatment is on the style of the famous "Crime Does Not Pay" series of Metro shorts, and the story is by John C. Higgins who has written several of these stories. The story revolves around the experiences of Rita Johnson and Tom Neal who become involved with a notorious mobster and his gang. The law eventually has them in the toils, and they all go to the penitentiary. Bernard Nedell plays the role of the mobster chief, a hardened criminal, the type who never reforms. Then there is another who is a psychopathic case, who is cured of his vicious tendencies eventually by scientific medical treatment. Neal is eventually paroled, and so is the girl. They are in love, and want to go straight. But there is another convict released from prison who is working with the gang chief who is in for a long stretch. He forces the youth to use an acetylene torch on a safe in a place where he is working as a mechanic. The girl has been forced to drive the gangster to the youth's place of work. But the police arrive in time, and the two are given a clean slate by the authorities, to go out in the world and go straight as they are trying to do. The methods of the police, prison authorities and the humane workings of the parole system are set forth very interestingly. This is the type of picture that is far superior to the formula prison story, and just as entertaining and far closer to the facts. Selling angles: the "Crime Does Not Pay" slant; a fine love story of a young couple trying to go straight.

CAST: Rita Johnson, Tom Neal, Bernard Nedell, Edward Gargan, John Galloway, Addison Richards, Frank M. Thomas, George Tobias, Ann Shoemaker, Charles Lane.

CREDITS: Director, Jacques Tourneur; Author, John C. Higgins; Screenplay, same; Cameraman, Clyde De Vinna, Paul C. Vogel; Editor, Ralph E. Goldstein.

DIRECTION, Very Good. PHOTOGRAPHY, Fine.

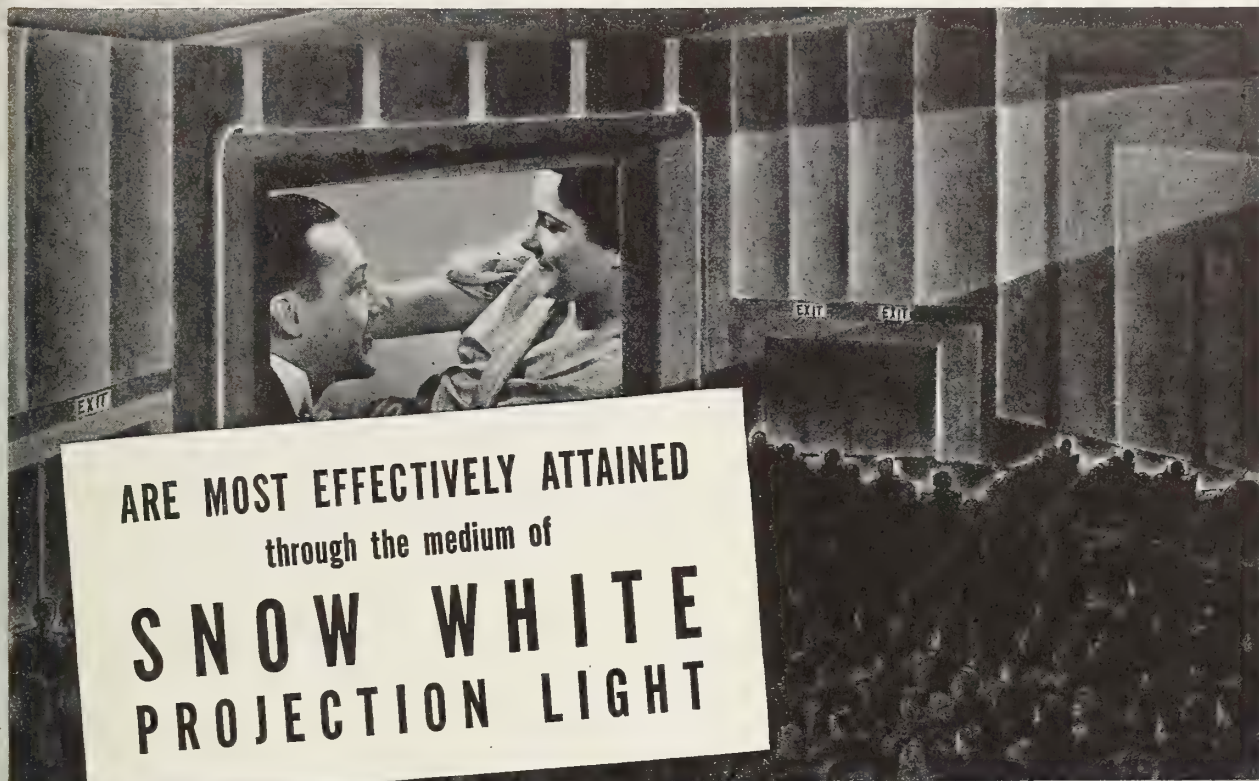
4 Weeks for "Beau Geste"?

"Beau Geste" scored its second big day at the New York Paramount Theater yesterday for a gross take of approximately \$9,500, R. M. Weitman, manager of the theater, announced. On the basis of this smash opening the picture is pencilled for a four-week engagement which will precede its national release in mid-September.

Radtke Claims Infringement

Patent infringement suit was filed yesterday in the Federal Court by Radtke Patents Corp. against Willoughby Camera Stores, Inc., in which the plaintiff asks for an injunction, an accounting, and damages. Defendant is charged with selling 16 mm. motion picture sound projectors which allegedly infringe on the plaintiff's patent called "Methods Of And Means For Optically Reproducing Sound."

BEAUTY and REALISM in COLOR



ARE MOST EFFECTIVELY ATTAINED
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SNOW WHITE
PROJECTION LIGHT

Your patrons wish to forget that they are looking at a picture. The closer they come to feeling that they are watching living and breathing people, the better they are pleased. Color is growing steadily in popularity because it adds much to this feeling of realism. But snow-white light is needed to give color features their full value. Low intensity projection falls short of realism because the yellowish tint distorts color values.

Simplified High Intensity projection gives a snow-white light which brings out the full beauty and realism

of color features. It also supplies two and one-half times as much screen light as low intensity projection for the same power consumption. Black and white pictures, as well as color, are more effectively projected by this powerful projection light.

Should you still have low intensity lamps it will pay you to investigate modern, economical, high intensity projection, *the light that pays its own way*. Ask your dealer to show you how improved projection pays investment and operating costs.

Make your projection equal to that of any theater in the country.

SIMPLIFIED

High Intensity

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THE proving period for Eastman's new negative films has been left far behind. With their special emulsion qualities reinforced by typical Kodak dependability, *Plus-X*, *Super-XX*, and *Background-X* are firmly established as successors to other notable Eastman films for the motion picture industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

THE FILM DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VC 76, NO. 25

NEW YORK, MONDAY, AUGUST 7, 1939

TEN CENTS

AAAA and IATSE Before A F of L Council Thursday D OF J FILES MONOPOLY SUIT AGAINST SCHINES Atlas Puts RKO Underwriting Agreement Before Court

THE WEEK IN REVIEW

Labor's Internal Strife

By GEORGE H. MORRIS

DOMESTIC

LABOR BATTLE: Internal warfare broke out in theatrical field which threatens to involve the entire film and theatrical industries in a major labor walk-out unless peace is reached. Cause of trouble was granting of an IATSE charter to AFA. Action was immediately protested bitterly by the AAAA, and this body by the week-end was polling its some 30,000 members on a strike vote. Further developments were indications that the IA might grant a charter to TMA to further strengthen its position. Retaliatory moves were instigated immediately by the AAAA member unions with SAG and AFRA suspending Sophie Tucker, president of the AFA. It is hoped that the A F of L executive council meeting this week in Atlantic City will be able to iron out the current argument. Meanwhile, on the Coast, bitter battle between the USTG and the IA locals continued. Coast situation was further complicated by the IA seeking jurisdiction over ASC.

FINANCIAL: Paramount's earnings for first half of 1939 were estimated at \$2,130,000 representing an increase of \$904,189 over a year ago. . . . 20th-Fox reported a consolidated net operating profit, after certain deductions, of \$2,325,525 for the 26 weeks ended July 1. . . . Further indications of the healthy condition of the industry came via Wall St. announcement that six pix securities during July showed total appreciation of \$22,739,029, a 15.4 per cent gain for the period. Issues were Loew's, Columbia, Paramount, RKO, 20th-Fox and Warners. . . . Financial and film circles also showed keen interest in move by Atlas in Federal Court to amend certificate of incorporation of new RKO company in order that

(Continued on Page 11)

\$4 Price for Common Stock; Bondy Sets Hearing for Wednesday

Underwriting agreement made between Atlas Corp. and RKO Corp. calling for the flotation of 375,000 shares of fully paid non-assessable common stock to holders of unsecured allowed claims and to Rockefeller Center, Inc., at a price of \$4 per share was submitted on Friday to Federal Judge William Bondy for his approval by Hamilton C. Rickaby, attorney for the Atlas Group, at a hearing held on that date.

The agreement, in the form of a letter dated Aug. 3, was accepted
(Continued on Page 11)

GOLDEN WEST TO MAKE 8 COLOR PIX FOR GN

First of Grand National's new distribution contracts with independent producers was signed over the week-end with Golden West Pictures, Inc., of Phoenix, Ariz. Deal calls for a
(Continued on Page 11)

Exhibitor Groups May Help in Broadcaster's War on Ascap

In the wake of the statement issued by Neville Miller, president of the National Association of
(Continued on Page 8)

Open Warfare or Peace Decision May Be Outcome of Labor Confab

Sanction to Literary Piracy May Affect Pix

Montevideo (By Cable)—U. S. film interests here are eyeing with uneasiness the reconvening here on Feb. 5 of the Inter-American Conference of Jurisconsults which recessed
(Continued on Page 11)

WB-NT Deal Set

West Coast Bur., THE FILM DAILY Hollywood—Warner Bros. and National Theaters have agreed on a new three-year product deal, Charles Skouras reports. Details are being completed and the contract will be signed within a few days.

CUSTOMS RULING HITS PIX ON NAZI STOCK

In a ruling made on the week-end, principle was officially enunciated by the U. S. Customs Bureau that any motion picture film imported into the U. S., when such film is printed, exposed or developed on German basic raw stock, will be considered as a product of Germany and thereby subject to 25 per cent higher countervailing duty.

Decision, because of the widespread use of basic German raw
(Continued on Page 8)

Films Contribute \$68,722 to Greater New York Fund

Final report of contributions made by local industry branches and their employes to the recently concluded Greater New York Fund drive was issued on the week-end by J. Robert Rubin, chairman of the Motion Picture Division. Total was \$68,772.55, approximately 13½% more than the 1938 drive returns of \$60,556.82. It
(Continued on Page 4)

Major Companies Also Named in Government's Latest Equity Suit

By MILTON F. LUNCH

Washington Bureau of THE FILM DAILY

Washington—Charging "monopoly control" the Department of Justice today will file a petition in equity in the District Court of the United States for the Western District of New York against the Schine Circuit, following Attorney General Murphy's warning last week that the industry was facing more suits. The Justice Department action today is also directed against the majors. The defendants are: Schine Chain Theaters, Inc.; Schine Circuit, Inc.; Schine Theatrical Co., Inc.; Schine Enterprises, Inc.; Schine Chain Theaters of Ohio, Inc.; Schine Lexington Corporation and Chesapeake
(Continued on Page 8)

AUSTRALIA MAY WIN BRITISH RECIPROCITY

"Reciprocal quota legislation is being considered by the British government at the present time which will allow Australian films to serve as renters quota in the Empire, and we are hopeful that action will be taken when Parliament re-convenes
(Continued on Page 4)

Circuits and Local 306 To Re-negotiate Scale

First meeting between theater circuit heads and Local 306, operators union, to re-negotiate the wage scale in the 10-year pact, which was signed in 1935, will be held either
(Continued on Page 11)

To Set Date For National APL Convention Thursday

Toronto—Members of the Anti-Protection League of Canada and the Independent Theaters Association will meet here on Thursday to lay plans for the national convention
(Continued on Page 11)

THE Film DAILY

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	13	13	13	— 1/4
Col. Picts. vtc. (2 1/2%)	9 5/8	9 5/8	9 5/8	— 1/8
Col. Picts. pfd.	11	11	11	— 1/2
Con. Fm. Ind.	1 3/4	1 3/4	1 3/4	— 1/8
Con. Fm. Ind. pfd.	11	11	11	— 3/8
East. Kodak	173 1/2	172	172	— 1 1/2
do pfd.	11 3/4	11 1/2	11 1/2	— 1/4
Gen. Th. Eq.	45 3/4	45	45	— 1 1/2
Loew's, Inc.	9 3/4	9 1/4	9 1/4	— 1/2
do pfd.	10 3/4	10 3/4	10 3/4	— 3/8
Paramount	12 1/8	11 5/8	11 5/8	— 3/8
Paramount 1st pfd.	20 1/2	20	20 1/2	— 1/2
Paramount 2nd pfd.	68	65	65	— 1/2
Pathe Film	5 1/4	4 7/8	5	— 1/8
RKO	55	53	53	— 2
20th Cent.-Fox				
20th Cent.-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.				
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/4	100 1/4	100 1/4	.....
Loew's deb. 3 1/2s46				.....
Par. B'way 3s55				.....
Par. Picts. 6s55				.....
Par. Picts. cv. 3 1/4s47	91 1/8	91 1/8	91 1/8	.....
RKO 6s41	74 1/8	74	74	— 1 1/2
Warner Bros. cv. 6s39				.....
Warner Bros. db. 6s48	90	90	90	.....

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	— 1/4
Sonotone Corp.	15 3/4	15 1/4	15 1/4	— 1/2
Technicolor	3 3/4	3 3/4	3 3/4	.....
Trans-Lux				.....
Universal Corp. vtc.				.....
Universal Picts.				.....

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 1/4	4 5/8
Loew's Thea. Realty 6s 1st '47	100 3/4	102 1/4
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	65 1/2	67 1/2

SAFETY LLOYDS

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SECURITY

The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—13th week	Astor
Each Dawn I Die (Warner Bros. Pictures)—3rd week	Strand
The Ware Case (20th Century-Fox)—3rd week	Little Carnegie
Mutiny on the Black Hawk (Universal)	Rialto
They Shall Have Music (United Artists-Goldwyn)—2nd week	Rivoli
In Name Only (RKO Radio Pictures)	Music Hall
Stanley and Livingstone (20th Century-Fox)	Roxy
Four Feathers (Universal Artists-Korda)	Capitol
Beau Geste (Paramount Pictures)	Paramount
I Stole a Million (Universal Pictures)	Globe
They All Come Out (Metro-Goldwyn-Mayer)	Criterion
Southward Ho (Republic Pictures) (a)	Central
Port of Hate (Times) (a)	Central
Second Fiddle (20th Century-Fox) (a-b)	Palace
The Forgotten Woman (Universal Pictures) (a)	Palace

FOREIGN LANGUAGE FEATURES

Lenin in 1918 (Amkino)—7th week.....Cameo

FUTURE OPENINGS

USSR on the Screen—1939 (Amkino) (a)—Tomorrow	Cameo
China Fights On (Amkino) (a)—Tomorrow	Cameo
Miracles for Sale (Metro-Goldwyn-Mayer)—Aug. 10	Criterion
Indianapolis Speedway (Warner Bros.) (a-b)—Aug. 10	Palace
Unexpected Father (Universal Pictures) (a-b)—Aug. 10	Palace
The Old Maid (Warner Bros. Pictures)—Aug. 12	Strand
The Wizard of Oz (Metro-Goldwyn-Mayer)—Aug. 17	Capitol
The Star Maker (Paramount Pictures)—Aug. 30	Paramount

(a) Dual bill. (b) Subsequent run. (c) Follows current bill.

Wobber Enroute to Coast to Confer on Production Plans

Departing for the Coast Friday night by plane, Herman Wobber, general manager of distribution for 20th-Fox, is expected to spend at least a week at the studio conferring on production plans and campaigns on new product. Cause of Wobber's sudden trip was enthusiasm of studio execs. over "Hollywood Cavalcade," with Charles E. McCarthy, ad. and pub. chieftain delaying his return to New York in order to confer with the sales chief.

Concurrent with Wobber's departure, it was reported that the company has hit a new season record with 700 more contracts on the 1939-40 season product lineup in the office than there were at the same time last year. It was also learned that the 20th-Fox office in Chicago has smashed all its sales records for any seven-day period in the month of July.

New NLRB Member Refuses To Sign Films Complaint

Washington Bureau of THE FILM DAILY Washington—William Leiserson, newest member of the NLRB, has declined to sign an amended complaint charging the eight major companies with violation of the Wagner act. The board revealed that a new complaint alleging discrimination by the companies against members of the Screen Actors Guild had been issued on Aug. 1.

Leiserson would make no comment as to why he refused to sign the amended complaint. Hearings on the alleged violations are scheduled to start Aug. 17 in Los Angeles.

Named V. C. Directors

Omaha—Omaha Variety Club has named Leo Doty, United Artists office manager, and Meyer Stern of Capitol Pictures as directors. The pair follow Roy Palmquist and Earle Perkins, transferred elsewhere.

RCA's Six Months Profit Reported at \$2,172,201

RCA and subsidiaries report a new profit for the six months ended June 30 of \$2,172,201.15, compared with \$2,524,756.50 for the same period a year ago. Net profit for the second quarter was \$724,091.11 as against \$1,086,955.54 in 1938.

Earnings per share on common, after deductions for preferred dividends, are .040 for the six months and .006 for the second quarter. In 1938, common paid .066 for the six months, .020 for the quarter.

Gross income from operations for the quarter was \$23,170,664.97 as against \$22,452,294 in 1938, and for the six months, \$48,041,640.77 as compared with \$44,931,462.84.

New Orleans Exchanges Again Assessors' Target

New Orleans—Pending legal battles on the subject, film exchanges in New Orleans, have again had their personal property assessed at \$50,000. Exchanges, after attempting to have the figure, which was boosted over 10 times in some instances, reduced on an actual value of film as a physical property, went to court. At the time, the state came through and was willing to compromise on a basis of value per foot, but would not permit depreciation on the film afterward. The matter is still deadlocked.

Golden State to Build House in San Leandro

San Leandro, Cal.—D. J. Bolton, division manager of the Golden State Theater Circuit, Inc., announced that a new \$200,000 theater will be constructed here. It will be of the balcony type with seats for 1,600 persons including 200 loge seats.

COMING AND GOING

HERMAN WOBBER, general manager of distribution, returned to his home in Salt Lake City Friday night.

LYNN FARNOL arrives in Hollywood today by plane.

BOB GILLHAM left Friday for Chicago.

ADOLPH ZUKOR and JOHN W. HICKEY, Jr., of the U. S. Navy, are scheduled to sail for the U. S. on Aug. 18.

HARRY DAVID, head of Publix Intermountain Circuit, returned to his home in Salt Lake City over the week-end after home office conference.

HERBERT ETTELSON, of the Lake Shore Theater, Chicago, and his son, JULIAN, were visitors at the Paramount lounge room Friday; also WILLIAM WOLFSON, of the Paramount Theater, Montgomery, Ala.

WILLIAM BORACK, booker for Publix Intermountain circuit, is in town.

TULLIO CARMINATI, screen and stage star, has left New York for a six-week stay on the Coast, and will return via San Francisco, Seattle and Vancouver.

EDWARD H. GRIFFITH, Paramount director, is to visit the east and northwest shortly on talent hunt for his picture "Safari."

M. S. HIRLEKAR, of the Indian Motion Picture Congress, Bombay, and M. D. BLIEDEN, of the Forsythe Theater, East Chicago, were recent guests at RKO Radio's exhibitors' lounge.

PEGGY MAHONEY, of Paramount's publicity staff, is motoring to Canada for her vacation.

HUGH HUBER, secretary-treasurer of Hal Roach Studios, is en route to Hollywood, following a ten-day visit in New York.

SAM CLARK, Warner publicist in Chicago, is on the Coast for a brief vacation.

JOHN ANDERSON, who recently sold his two Fort Morgan, Colorado, theaters to J. C. Parker of Dalhart, Tex., leaves Denver shortly to make his home in California.

CHARLES REGAN, Paramount's western division sales manager, was a visitor last week at company's Chicago exchange.

F. T. MURRAY, of Universal, has been visiting company's Chicago offices.

ERROL FLYNN and LAWRENCE TIBBETT arrived in New York Friday via United.

Mrs. Himon Goldberg Dead

Omaha — Mrs. Himon Goldberg, mother of Ralph D. Goldberg, Omaha circuit operator, died here without knowing her other two sons, Harry and Sam Goldberg, had been dead seven years. Ralph wrote his mother letters and signed Harry's and Sam's name for seven years.

Henry Gilhofer Dead

Chicago — Henry Gilhofer, 59, western manager, National Outdoor Advertising Bureau, is dead. His wife and daughter survive.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 7

Ann Harding
Phillips Smalley
Rudolph C. Ising

WIN TO MA

the
d's
ly-

Twentieth Century-Fox presents
Darryl F. Zanuck's Production of

STANLEY and LIVINGSTONE

with the finest acting cast ever assembled... starring

PENCER TRACY
KELLY • **RICHARD GREENE**
BRENNAN • **CHARLES COBURN** • **HENRY HUGHES**
SIR CEDRIC HARDWICKE • **HENRY TRAVERS**

Directed by Henry King

With Producer Kenneth Ingwersen • Screen Play by Philip Dorn and Milton
Truman • Historical Research and Story Colored by Nat Lang and Sam Halpern

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Doors open at 11:00 A. M.

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thrills
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ARTISTS
TOL
BOUT TOWN"

3rd & 5th Sts.
City of Los Angeles
At the

AUSTRALIA MAY WIN BRITISH RECIPROCITY

(Continued from Page 1)

in early October," A. H. K. Weir, secretary of New South Wales in London, told THE FILM DAILY Friday before he left for Washington to confer with Nate Golden, chief of the Motion Picture Division of the Department of Commerce.

Weir is en route to Sydney to take over his new post of secretary of the Theaters and Films Commission, created under the new film law. He stated that he could not express an opinion regarding the new standard contract and provisions of the new quota law as he has been in London for several years.

He conferred with Major T. L. Herron, MPPDA chieftain of foreign affairs, while here. Weir will spend some time in Hollywood and will sail for Sydney from Vancouver later this month.

Australian Pix Interests to Press Reciprocal Quota

Sydney (By Cable)—A determined drive will be undertaken by film interests here to achieve reciprocal quota action by the British government. Aim is to amend the British films act to make Australian-produced films eligible for British renters quota credit.

Meanwhile, New South Wales exhibitors here are worrying over fulfilling their British obligations. There are four first-runs here which use about 18 shows a year, six that use 36 shows and another three that use about 45 programs yearly. On the new 15 per cent quota basis these houses alone would need a total of over 30 class "A" British pix to fill the quota requirements.

In the subsequent and suburban runs, where as many as 200 and 300 shows are used yearly, the problem promises to be even more acute. More than 100 British pictures with some strength are needed to fill the bill, and British production plans for the year, according to present schedules, do not call for that many top quality films.

Bands for Hartford State

Hartford, Conn.—When the 4,000-seat Harris Bros. State Theater reopens full time on Sept. 1, Drummer Gene Krupa and his band will be the stage attraction. Others reported scheduled for appearance include Sammy Kaye, Blue Barron and Charlie Barnet.

Pretty-Please

New Orleans—Week's laugh on film row is at the expense of a major exchange, one of whose inspectresses placed a note in a can of film. No, it wasn't a mash note. It was a pretty-please request to the operator to run reel number two slowly since its sprocket holes were sprung.

ALONG THE



WITH PHIL M. DALY

● ● ● WE doubt that any previous trade publication has ever received the widespread advance interest attending the issuing of the FILM DAILY's Cavalcade of Important Events of the industry..... covering yesterday, today and tomorrow.....it will in no sense be a history of the motion picture business.....merely colorful and interesting highlights concerning important companies and outstanding individuals in various fields of picture endeavor.....this volume will be ready for distribution the end of this month.....

● ● ● SEPARATE sections will be devoted to the major producers.....in which many interesting facts concerning the very beginnings of these companies will be set forth.....and hitherto unpublished stories concerning important individuals whose activities had much to do with the progress of their company.....a compendium of entertaining and authoritative material that will make this volume an important item in the ever-growing library of reference works concerning the industry.....

● ● ● THEN there will be a chronological record of the highlights of the industry from its very beginnings.....a mass of special articles and stories built around the activities of important people of the picture business.....executives, players, directors, writers, etc.....the "tomorrow" phase of this volume will be a complete tabulation of the programs of the various producers for the new season.....all bound in handsome board covers in that modern loose metal binding.....a treasure trove of unusual and highly entertaining data.....everyone in the industry will want to secure a copy for purposes of future reference.....

● ● ● SPLURGE.....on that 30-page exploitation supplement of Metro's "Wizard of Oz".....here is one of the most comprehensive exhibitor aids ever issued on a production.....an encyclopedia of contests, ballyhoos, stunts and displays available for showmen.....to assure highly effective promotion.....this volume will be followed soon by a merchandising-exploitation supplement.....a massive two-color section containing an imposing list of national manufacturers who are tied in on the production.....

● ● ● CLEVER.....do you recall that scene in "They Shall Have Music".....where Heifetz, the great violinist, tells the boy hero that he cannot be present at the community concert, but that he will send a print showing himself playing one of his famous selections?.....and he does send it to the music school as promised.....there, if you ask us, is a cunning and clever stunt to sell the special insert film of Heifetz and his violin virtuosity to musical schools and colleges.....or was it just one of those chance things that may prove to be a gold mine for the producer?.....bringing in a source of revenue he never figured on?.....

● ● ● NEAT job of planting a story with the syndicate wire services the other day.....concerning Mayor Ridge Smith of the little town known as O'Fallon, Illinois.....which happens to be the birthplace of William Holden, star of Columbia's "Golden Boy".....the Mayor challenged the mayors of towns that produced other Hollywood stars to a debate to prove that his Town Hero would prove to be the biggest male star of 1939.....

« « « » » »

\$68,722 CONTRIBUTED TO GREATER N. Y. FUND

(Continued from Page 1)

is noteworthy that 97 firms and employee groups made contributions in this year's campaign, compared to 37 firms and group contributions a year ago.

Under the Rubin scheme of organization the local industry was divided into four sections, each under a vice-chairman. These sections, with their respective heads and amounts raised are: Producers and Distributors Group, under Ned E. Depinet, which turned in \$60,433.54 of the total subscribed; Exhibitors Group, under B. S. Moss, \$3,467.16; Laboratory Group, led by Herbert J. Yates, \$652.95; and the Allied Accessory Group, under Herman Robbins, which brought in \$4,218.90.

Full list of contributors is as follows:

Producers-Distributors Group, Firm Contributions—Loew's, 20th-Fox, Paramount, Warners, RKO, UA, Columbia, Universal, Walt Disney, Alliance Film, Garrison Films, Spectrum Pictures.

Employee Contributions: Loew's, 20th-Fox, Paramount, Warners, RKO, UA, Columbia, Universal, MPPDA, Republic, Monogram, and Technicolor.

Allied Accessory Group, Firm Contributions: National Screen Service, J. E. Brulatour, Inc., DuPont Film, General Theaters Equipment, Agfa, International Projector, Gallic Films, Max Gordon Plays & Pictures, Pax Films, Bee-Ko Co., W. O. Gutlohn Co., J. H. Hoffberg, Inc., Lloyds Film Storage, Thom Films, Ulmer-Hayward, Zinsser Co., Art Flag Co., Union Ink Co., Veedis Films, Massee & Co., K-Art, Inc., Allied Carbon, Bertram Mayers, Modern Film and Sphinx Film, Bonded Film Storage, A. F. Cofod Co., MacDonald Engraving Co., Unity Films.

Employee Contributions: National Screen Service, DuPont Film, Willoughby Camera Stores, Agfa, American Display Co., Quigley Publications, Max Gordon Plays & Pictures, Assoc. Display Co., Eastman Kodak Stores, National Board of Review, International Theater Accessories, Isaac Lubin Co.

Exhibitor Group, Firm Contributions: Consolidated Amusement Enterprises, Century Circuit, Trans-Lux Movies Corp., Charles H. Moses, B. S. Moss, Ruggoff & Becker, Lenauer International Films, Arthur Mayer & Joseph Burstyn, Rafi & Rudin, World Pictures, Monarch Theaters, Lincoln Theater, Premier Films, Nathan Saland, Preview Theater, William Barnett, Julian Leigh.

Employee Contributions: Consolidated Amusement Enterprises, Trans-Lux Movies, Fabian Theaters, Skouras Theaters, Ruggoff & Becker, Monarch Theaters, Mid-Town Theater, IOTA.

Laboratory Group, Firm Contributions: Consolidated Film Industries, H. E. R. Lab. Co., Malcolm Lab. Co., Mecca Film Lab.

Employee Contributions: Consolidated Film Industries.

STORKS!

Omaha—Danny McCarthy, Universal salesman at Des Moines and former United Artists salesman, is the proud father of a boy, born here. Leo Doty, UA office manager at the Omaha exchange, is godfather.

New Orleans—Philip Sliman, head of Atlantic Pictures exchange here, is the proud father of two twin boys.



"PAPA'S NOT HOME HE WENT TO SEE 'LADY OF THE TROPICS'!"



Dear Mr. Exhibitor:

We have just screened a picture which will be in the headlines of the trade press box-office reports immediately after release, August 11th. When you book the picture, just call out the cops and settle down for a long run. Here comes ROBERT TAYLOR, HEDY LAMARR in M-G-M's "LADY OF THE TROPICS."

Directed by Jack Conway • Produced by Sam Zimbalist • Screen Play by Ben Hecht

THE FRIENDLY (especially in Summer!) **COMPANY**

RADIO CITY MUSIC HALL IN THREE YEARS ON AN

New York Crowds and Critics Thrill and Cheer as Carole Battles Kay for Cary!

"Magnificently done...has superior quality...a generally excellent cast contributes in making it one of the most adult and enjoyable pictures of the season."

—*B., N. Y. Times*

"... As real and believable as one would ever wish to encounter... A first-rate emotional film that will bring tears to the eyes... fine and entertaining."

—*R. W. D., N. Y. Herald Tribune*

"A fully grown-up drama of love... will interest the women particularly, for it deals with their problems not only realistically but boldly."

—*Bland Johaneson, N. Y. Daily Mirror*

"Fine direction and splendid acting."

—*Kate Cameron, N. Y. Daily News*

"Easily one of the better bets for moviegoers... Carole Lombard cast with Cary Grant and Kay Francis in 'triangle' situation of absorbing interest."

—*B., N. Y. Journal & American*

"From first to last it is realistic, beautifully executed and fascinating... A refreshing summer film, light in tone and absorbing in its character studies."

—*Sidney B. Whipple, N. Y. World-Tel.*

"Romantic drama with glittering cast... convincing and interesting... should prove a profitable tear-jerker."

—*Eileen Creelman, N. Y. Sun*

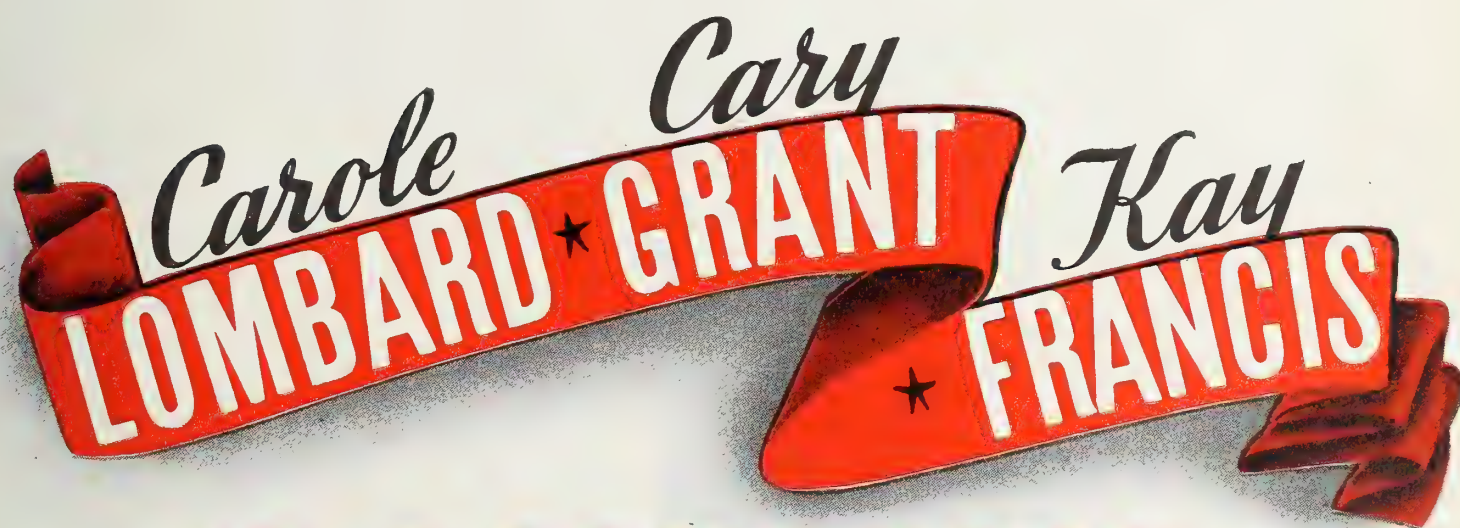
"Good... glorifies the other woman... yesterday's crowded houses seemed enormously pleased."

—*Archer Winsten, N. Y. Post*

That's the kind we mean when

BIGGEST OPENING DAY RKO RADIO PICTURE!

ANOTHER SUMMER SENSATION FROM THE COMPANY THAT
JUST RELEASED "BACHELOR MOTHER!" . . . FIRST DAY OF
"IN NAME ONLY" TOPPING THE BIG ONES RIGHT AT THE
PEAK OF THE SUMMER'S HOTTEST WEATHER! . . . NO
WONDER DOZENS OF OTHER PRE-RELEASE KEY RUNS ARE
ALL SET FOR THE NEW HIT SHOW TO COME THEIR WAY!



"IN NAME ONLY"

CHARLES COBURN • HELEN VINSON KATHARINE ALEXANDER

JONATHAN HALE MAURICE MOSCOVICH

PANDRO S. BERMAN in charge of Production • Directed by John Cromwell

Produced by George Haight • Screen Play by Richard Sherman

we say **BIG ONES** from **RKO RADIO!**

CUSTOMS RULING HITS PIX ON NAZI STOCK

(Continued from Page 1)

stock in many countries of the world, was received with undisguised amazement in many quarters along Film Row, since the U. S. Customs Bureau obviously means that should German basic raw stock be employed, for example, in the making of a French or British picture, and then imported into the U. S. from either of these two countries, the finished production would be stamped as a German product merely because of the raw stock.

What is true hypothetically of such French or British-made pictures would also hold for all other foreign nations' pictures brought into the U. S. on the German stock.

William Massee, head of Massee & Co., leading film forwarding firm, when apprised of the decision, immediately advised all of the company's clients to protest the ruling through MPPDA.

Massee told THE FILM DAILY that his organization is making further and strong representations to Washington to abrogate the ruling, which he and others engaged in film commerce, hold to be unreasonable and unjust.

Schine Circuit Winds Up Annual Mgrs. Convention

Gloversville—Closing the Schine Circuit managers' convention here late yesterday afternoon, J. Myer Schine, president, stressed that the key to the success of the organization was "teamwork and loyalty." He made these the theme of his talk, contending the growth of the company would go on so long as the virtues were practiced.

"No chain is any stronger than its weakest link," he said, "and we are proud of the many strong links in our chain. We want no weak ones."

He called the convention a "four-day college education in theater management," pointing out that a president, vice-presidents and various high executives of the major moving picture companies, men whose salaries run into six figures in many cases, gave their ideas and thoughts to the convention.

Louis W. Schine, vice-president and general manager, spoke briefly, thanking the home office staff for the excellent work it did in preparing the convention and the managers for their faithful attendance.

Other speakers included Marsh Gollner, Maryland-Delaware district manager; Hugh Elsasser of the DeVry Corp., Chicago who explained 16 mm. news reels in co-operation with local newspapers; A. M. Vogel of Motion Picture Herald; and Gene Curtis, head of the Schine advertising department, who contended newspapers are the best theater advertising medium.

Howard Antevil, attorney in charge of the home office legal staff,

Dissolution and Re-arrangement of Schine Circuit asked by Govt.

(Continued from Page 1)

peake Theaters Corp. Majors named are: Loew's, RKO; Universal Pictures Co.; Universal Film Exchanges, Inc.; 20th Century-Fox; United Artists; Columbia Pictures; Warner Brothers; Vitagraph, Inc.; Paramount Pictures; and Paramount Film Distributing Corporation.

The suit charges the Schine chain and its affiliated concerns operating in New York, Ohio, Kentucky, Maryland and Delaware, and all the major producers "with combining unreasonably to restrain trade in the distribution of motion pictures."

The action today is similar to the Griffith suit filed on April 28, 1939, the department stated. "At the time the Griffith suit was filed it was stated that there were a number of other independent theater chains operating in the United States whose situation was similar to that of Griffith and that additional suits would be brought as the investigation developed." Justice Department said.

The proceeding was brought by Thurman Arnold, assistant attorney general in charge of the anti-trust division, with the approval of attorney general Frank Murphy.

"This proceeding is designed to break the monopoly control exercised by the Schine theater organization in the exhibition of motion pictures in parts of New York, Ohio,

gave one of the most popular talks of the day. He said in full: "I have written a speech, but the time is short and it is warm, so I will mail you a copy."

The talk was entitled "Legal Pitfalls and How to Avoid Them."

The convention was declared the most successful yet held by the Schine circuit. Friday many of the managers and visitors were guests of Schine executives at the Saratoga races.

Winners of the golf tournament were also posted, with Joe Schwartzwalder, city manager of Auburn Schine houses, declared the 1939 champion. Joe not only had the lowest gross score, but he made a hole-in-one on the 18th and a birdie on the 17th.

Second prize went to John Winn, Central Manufacturers' Insurance Co., with M. A. Conrow of Altec Service Corp. finishing third. Other winners in order included: William Scully, general sales manager, Universal Pictures; Roy Haines, division manager, Warners; William Sussman, eastern division manager, 20th Century-Fox; Francis Lattin, manager, Schine Temple theater, Cortland, N. Y.; Gus Lampe, city manager, Syracuse RKO-Schine houses; David Miller, Universal.

Putting contest was won by Erle Wright, manager of Schine's Paramount, Syracuse; E. M. Hearty of National Theater Supply was second. Other winners in order were Bob Daly, Glove house manager; Harold Raives, Schine Buffalo booker; Leon Bamberger, RKO; W. M. Bliven, Maryland Casualty Co.

Driving contest was won by M. R. Rosser, National Theater Supply Co., with 310 yards. Other winners to be decided after handicaps are deducted, will be announced later.

Kentucky, Maryland, Delaware" announcement of the suit declared.

The charges are similar to those of the Griffith suit. "While operations of this organization are not nation-wide its effect upon the independent theater owners in its area of operation is substantially similar to that of the major producing companies within the area of their operations. Because of the control by this chain of a large number of theaters, it is able to make blanket contracts for all desirable pictures for all its theaters without competing with local independent exhibitors."

To effect the object of breaking "the monopoly combination in the area in which it operates" the Justice Department is asking that the exhibitor defendants (Schine circuit) be dissolved and their properties rearranged under several separate and independent corporations in such manner as to create competitive conditions and prevent further violations of the Sherman Act."

Suit also seeks injunctive relief by directing that practices resulting in alleged monopoly control and "oppressive exercise" be enjoined. In addition, Department of Justice also seeks to enjoin producers from licensing pictures except on a local competitive basis and seeks an injunction against the acquisition of additional theaters or financial interest in theaters by defendants.

Expect Burns Pix Debut to Draw Crowd of 100,000

Van Buren, Ark.—Police of three states—Arkansas, Missouri and Oklahoma—will be mobilized to handle crowds and traffic in connection with the world premiere of Paramount's "Our Leading Citizen" and Bob Burns' homecoming jubilee which will be held here today. Local police are anticipating at least 100,000 visitors. In addition to Burns, Susan Hayward and Joseph Allen Jr., in "Our Leading Citizen" cast will be on hand.

Warrant Issued for Arrest of Kindler, Empire Head

Warrant has been issued for the arrest of Abraham I. Kindler, president of the Empire State Motion Picture Operators union, for contempt of court. Order by Justice W. E. Kock in the Bronx County Supreme Court was caused by the alleged failure of Kindler to comply with the direction of the Court in paying the salary of Joseph Kimmel until the latter returned to his job. Kindler has been directed to pay the sum of \$630 in back pay and counsel fees.

EXHIBITORS MAY AID NAB'S WAR ON ASCAP

(Continued from Page 1)

Broadcasters, that his organization is taking immediate steps to set up its own sources of music to combat the "pool" as represented by Ascap, it was reported on the week-end that the broadcasters' group is seeking an alliance with "similarly disgruntled" film groups in order to present a maximum united front for a decisive battle with Ascap on the music copyright question.

Whatever plan the broadcasters are weighing to effectuate an alliance with pix industry wings will evidently have to be without support from major company affiliates, since a spokesman for one of the largest majors told THE FILM DAILY on Saturday that "we are not even interested in being approached by the broadcasters."

Whether the larger interests of filmdom show apathy or not, it is known that the broadcasters are counting on at least some degree of support from exhibitor groups who have long been opposed to what they allege to be the Ascap monopoly.

Typical of this is the viewpoint of Ed Kuykendall, MPTOA prexy, who recently told the Oklahoma TO convention:

"Leaving Ascap as it is, without any limitations, is a serious menace to the theater industry, as well as to some other industries. The national copyright laws give them the right to do anything they want to do. They can levy a percentage of your gross receipts, if they want to."

"We have not tried to destroy the Ascap organization, although it might be a good thing; but we have tried to limit the assessment they can place on our theaters and take away some of their rights."

Miller has disclosed that the copyright committee of the broadcasters' association has called a convention of the entire broadcasting industry to be held in Chicago on Sept. 15 at which a "substantial war chest" will be raised and plans formulated to create an adequate supply of music from independent sources.

On Wednesday, next, a meeting will be held by the copyright committee locally to set plans for the anti-Ascap drive.

Adolph Bendslev Dead

Boston—Adolph Bendslev, pioneer exhibitor of Wellesley, Mass., and secretary of Independent Exhibitors of New England, died of a heart attack at his home Friday morning. He was 69 years old and for many years was active in the New England Allied unit. He operated the Community Theater in Wellesley.

Bendslev is survived by a son, Leslie, who will take over the operation of the theater; his widow and a daughter. Funeral services were held yesterday at the Congregational Church in Wellesley Hills.

"Stanley and Livingstone"
at Roxy World Premiere
opens to more than
four times
the business
of "Kentucky"!



THE KEYSTONE OF YOUR FUTURE



AAAA-IATSE BEFORE LABOR COUNCIL THURS.

(Continued from Page 1)

of Thursday's session of the American Federation of Labor in Atlantic City, with the AAAA delegation scheduled to appear before the council at 2:30 that day to argue their case.

The AAAA delegation will demand that the A F of L council direct the IA to revoke the charter given to AFA and that it clearly warn the stagehands that their jurisdiction in the actor field is complete. The IA will, in turn, claim that AFA needed the charter for many reasons and that the IA has a well founded jurisdictional claim in the field.

With a nation-wide actors' strike threatened by AAAA unless the IA revokes the charter it granted the AFA and the stagehand's threat of a jurisdictional grab is ended, it is certain that the IA will defend its position in granting the AFA charter and will take equally drastic action in some form if necessary.

William Green, president A F of L, has returned to Washington but refused to make any statement or answer questions on the IATSE granting charter to AFA.

Further fuel was added to the fire Friday when Sophie Tucker, AFA prexy, was suspended by Actors Equity and charges were leveled at Harry Richman which, in all probability, will also cause him to be suspended when the Equity council meets tomorrow.

The suspension of Miss Tucker, following similar action by the SAG and AFRA, bars her from the stage, studios and radio. She was directed by Equity to appear August 22, the day following the scheduled date for the reopening of the show in which she has been appearing to answer the charges at a council meeting. However, a showdown over this issue is expected to be averted as the producer of the show was reported to have stated flatly that he would not reopen following what has happened.

Meanwhile, AAAA and AFA were mailing ballots to all of their members asking for support in their battles. No results can be expected from these actions until this week, as ballots were still being mailed Saturday.

Final action by the TMAT plan to ask for an IA charter is expected this Thursday when an entire membership meeting will be held. Last week's meeting ended on a divided note with the film division solidly in favor of applying for an IA charter and the legit division, which embraces the press agents, holding the matter in abeyance until this week's session.

Although no action has been taken by the IA faction comparable to the suspension moves by the AAAA, it was pointed out by IA execs. that in the past it was through their assistance that both Equity and SAG won their fights for recognition.

When Miss Tucker was apprised

★ REVIEWS OF THE NEW FILMS ★

"Stanley and Livingstone"

with Spencer Tracy, Sir Cedric Hardwicke, Nancy Kelly

20th Century-Fox

101 Mins.

FINE HISTORICAL ADVENTURE WITH AUTHENTIC AFRICAN SCENES AND STRONG SUSPENSE.

A very stirring and human document covering the story of adventures of Stanley, the American newspaper reporter, in his successful effort to discover the explorer-missionary Livingstone in the heart of Africa. The film is filled with fine authentic sequences of Africa beautifully photographed. Tracy in the role of Stanley, the reporter, after many hardships and great suffering, eventually reaches Livingstone deep in the dark continent, living peacefully with the natives and pursuing his dual work of saving souls and making scientific research. Stanley, the go-getting American reporter, is so impressed with the great work that the other man is doing, that when he returns to London and learns that Livingstone has died, he resolves to carry on in his place. The dramatic climax of the film does not come with the African adventure, but when Stanley faces the skeptical scientists of the British Geographical Society, and they refuse to accept his evidence that he found Livingstone alive. They are being influenced by the publisher of a powerful English newspaper which has already reported the death of the great African explorer. Stanley makes an impassioned plea to accept his story, and send assistance to Livingstone, still alive. As they refuse his request, the dramatic disclosure comes in the form of a message bringing indisputable proof of the truth of Stanley's story. Selling angles: the names of Tracy and Hardwicke; the stirring authentic African jungles scenes.

CAST: Spencer Tracy, Nancy Kelly, Richard Greene, Walter Brennan, Charles Coburn, Sir Cedric Hardwicke, Henry Hull, Henry Travers, Miles Mander, David Torrence, Paul Stanton, Holmes Herbert, Montague Shaw, Brandon Hurst, Hassan Said, Paul Harvey.

CREDITS: Producer, Kenneth Macgowan; Director, Henry King; Authors, Hal Long, Sam Hellman; Screenplay, Philip Dunne, Julien Josephson.

DIRECTION, Very Good. PHOTOGRAPHY, Excellent.

Friday of Equity's action, she stated that they were bad losers and accused the AAAA of being an anti-labor group. She also predicted that the AAAA "persecution" of herself would prove to be a boomerang, and pointed out that although she has been suspended by three AAAA affiliates she has not received any formal notification to date. In a statement by Equity announcing Miss Tucker's suspension, it was regretted that such a move had been necessary. It was stated that Equity was bigger than any of its members and said the greatest good for the greatest number was their only consideration and they had no other choice in the matter.

"In Old Monterey"

with Gene Autry, Smiley Burnette

Republic

72 Mins.

LIVELY WESTERN HAS ADDED ATTRACTION OF HOOSIER HOT SHOTS AND OTHER SPECIALTIES.

A lively melange of adventure, with Gene Autry enlisted in the army being assigned to try and straighten out some difficulties with the ranchers who occupy a section which the government wants to use as proving grounds for bombing planes. With a bunch of his army buddies Gene joins the ranchers, using his experience as a former cowhand and rancher to win them over to the government point of view. But there is an underhand force at work in the form of the owner of a large and profitable borax works who does not want the government to step in. So with his hireling he tries to make it appear that the army fliers are using ruthless tactics to scare the ranchers away. In an explosion they plan, a young boy is killed, brother of the girl Gene is interested in. The upshot is that the ranchers determine to offer armed resistance to the soldiers. They throw up a barricade in the town, when Gene rides in with proof that the borax chief and his gang were responsible for the dirty work. It finishes with a stirring pitched battle, as the ranchers led by Autry ride out to the borax works and clean up the gang. Good specialty numbers in the harmonizing of the Hoosiers and the Ranch Boys, and Sarie and Sallie.

CAST: Gene Autry, Smiley Burnette, June Storey, George Hayes, Stuart Hamblen, The Ranch Boys, Billy Lee, Jonathan Hale, The Hoosier Hot Shots, Robert Warwick, William Hall, Eddy Conrad, Sarie and Sallie.

CREDITS: Producer, Armand Schaefer; Director, Joseph Kane; Authors, Gerald Geraghty, George Sherman; Screenplay, Gerald Geraghty, Dorrell McGowan, Stuart McGowan; Cameraman, Ernest Miller; Editor, Edward Mann.

DIRECTION, Good. PHOTOGRAPHY, Okay.

Gets Airdrome Permit

Middletown, Conn.—Permit to operate a 300-seat airdrome theater has been granted Salvatore Adorno, former operator of the three Middletown theaters now leased by Morris Pouzner, by the Hartford State Police Superintendent. Permit is provisional, calling for three new rights of way over the property, which is in the rear of the Middlesex, removal of additional seat posts, and adherence to other fire requirements.

Burke Joins Kirkeby

Chicago—John Burke, for many years manager of the Congress Hotel, headquarters for the film row executives, has resigned and joined the Kirkeby Hotel organization as executive assistant to A. S. Kirkeby, director of the chain. M. J. Alexander, executive assistant to Ralph Hitz, president of the National Hotel chain, succeeds Burke at the Congress Hotel.

"Wings Over Africa"

Merit Pictures

62 Min

MODEST TALE OF DIAMOND SEARCH IN AFRICAN JUNGLE HAS THRILLS.

Interesting and unusual little drama of a adventure in search of diamonds in Africa. A letter falls into the hands of a London informing them of a cache of diamonds. An expedition is organized to take two planes and fly to the indicated region. There are three men and a girl in the expedition. Arrived at the location, they encounter three white men already there who claim that they possess prior rights to an gold or diamonds discovered in the region. After many adventures, and two mysterious murders, the disclosure is made that one of the party has turned criminal with greed not waiting to share the diamond hoard. As he attempts to escape in one of the planes, he crashes, and the others make their safe return to London. Selling angles: the diamond search, and African jungle adventures.

CAST: Joan Gardner, Ian Colin, James Harcourt, James Carew, James Craven, Alan Napier.

CREDITS: Director, Ladislaus Vajda; Author, Akos Tolnay; Screenplay, same; Cameraman, James Dunlin.

DIRECTION, Fair. PHOTOGRAPHY, Spotty.

Local 52 Meets Tomorrow

Final meeting of Local 52, studio mechanics, to discuss terms of new contract with the producer will be held tomorrow. Contract has been agreed upon in principle with only one difference to be ironed out. The Local has also been negotiating a contract with the March of Time, with pact said to be nearly closed.

Big "Stanley" Opening

"Stanley and Livingstone," Darryl Zanuck's latest production for Twentieth Century-Fox, broke an opening attendance records at the Roxy Theater Friday with the exception of "Alexander's Ragtime Band" and "Jesse James," two of the company's top grossing pictures. At 5 o'clock more than 12,000 people had crowded the theater for "Stanley and Livingstone."

Lesser Joins Dad

West Coast Bureau of THE FILM DAILY

Hollywood—Julian Lesser, son of Sol Lesser, has joined his father's Principal Productions, as assistant to Louis Hyman, head of the distribution department. Young Lesser for a number of years was with the J. E. Brulatour.

Will Plug "Golden Boy"

Columbia will put an extensive co-op advertising schedule behind "Golden Boy," slated for early September release, it was disclosed at the week-end. Fan magazine reaching the newsstands between Aug. 15-Sept. 10 will also be used. Budget was not announced.

ATLAS RKO AGREEMENT PUT BEFORE COURT

(Continued from Page 1)

unanimously by the board of directors of the new company on that day, Rickaby told the Court, and required only Judge Bondy's consent before it may be carried out. Judge Bondy fixed August 9 at 2:30 to hear any written or oral objections to approval of the underwriting agreement. Rickaby was directed by the Court to notify all interested parties of that hearing.

Among the provisions the plan calls for are an offer to be made by the new company to creditors and Rockefeller Center on or before Aug. 29. The right of creditors and of the Center to subscribe to the stock is to be evident by transferable subscription warrants exercisable within 20 days of the offer, the agreement continued. Atlas Corp. will purchase under the agreement all unsubscribed stock at four dollars per share on the expiration date or within seven days thereafter.

Atlas Corp. has the right, the agreement stated, to cancel the offer if the new company fails to notify the specified creditors and Rockefeller Center of the new stock flotation by Aug. 29. In addition, the agreement may be terminated by Atlas if one of the following contingencies occurs: (A) A war in Europe or its imminence, which shall have caused a "general severe depression in the market value of securities." (B) If the New York Stock Exchange is closed on any day when it would ordinarily be open for business. (C) If a substantial loss to the new company or any of its subsidiaries occurs "by fire or other calamities," which in the opinion of Atlas would materially and adversely effect the new company's business and earnings on a consolidated basis.

The agreement calls for compensation to Atlas to be determined by the Court either in stock or cash, or both. Reimbursements for expenditures of the stock flotation also may be paid in stock or option warrants in lieu of cash. The agreement specifically states that it is the intention of the parties to have approximately \$1,000,000 in cash in the hands of the company after reorganization and to carry this out, Atlas states that it will accept stock if necessary. The entire agreement falls if it is not approved by Judge Bondy.

At the hearing, Rickaby told the Court that all directors with the exception of Conde Nast, George J. Schaefer and Ned E. Depinet, who were not present at the meeting, had approved the plan. N. Peter Rathvon and Frederick L. Ehrmann, directors, testified before Judge Bondy as to the consideration which led to a figure of \$4. Both stated that they considered the agreement a fair and reasonable plan.

Nathan Rosenberg, attorney for H. Cassel & Co., charged that the

THE WEEK IN REVIEW

Labor's Internal Strife

(Continued from Page 1)

8,000,000 shares of common and 130,000 of preferred could be issued.

LEGAL AND LEGISLATIVE: Circuit Court of Appeals in important decision which establishes precedent set down "Letty Lynton" plagiarism award at one-fifth of net profits. This is first instance of a copyright suit being determined on same basis as appropriated patent actions. . . . Federal Judge John C. Knox asserted on Thursday that because of crowded calendar conditions the Government's equity action against the major had little chance of being tried before Jan. 1, 1940. From Washington, D. C., came word that an unprecedented pressure campaign on behalf of the Neely bill is expected to be launched immediately upon adjournment of Congress.

OTHER HEADLINES: Paramount's entire 1939-40 program, President Barney Balaban declared, is expected to be completed by the end of 1939, and that about four of the 1940-41 features will also be finished by then. . . . Industry's key execs. attended the Schine conven-

tion at Gloversville, which was hailed as most successful in circuit's history. . . . Dispatches from Indianapolis told of itinerants hurting theater biz in 200 Indiana towns.

FOREIGN

ITALIAN MART: Coincident with departure for Europe of Charles C. Pettijohn, MPPDA's general counsel, it was reported that purpose of his trip is to launch preliminary negotiations for re-opening of Italian market for U. S. films.

"TAKE" IN NIPPON: Denunciation of American-Japanese commercial treaty of 1911 came, checkup showed, at a time when U. S. film biz in Japan is about to achieve an all-time high. Revenue expected by end of 1939 is estimated at \$1,640,000, as against \$1,150,000 in 1938.

NAZI-SPANISH LINK: Cable from Madrid asserted that Nazis will turn out motion pictures for the Spanish and Latin-American markets via production in Barcelona, and that Nazi agents have already begun operations toward this end.

To Set Date For National APL Convention Thursday

(Continued from Page 1)

tion of the APL. All independent exhibitors in Ontario will be eligible to attend Thursday's session at which time a date will be set for the APL convention in Toronto.

The decision to call a general meeting on Thursday was made at conferences Friday of the central committee of the APL and the board of directors of the ITA.

Revue for B & K Houses

Chicago—Sam Herman, jitterbug booker for B & K, says the city's ase against the circuit has been postponed until August 15, before Judge Adamowski. Herman is now booking five acts of standard vaudeville into the B & K Congress and North Shore theaters. He predicts more "flesh" will be used this Fall in Chicago theaters, than for some years past. Herman plans a new revue type of show for Fall.

agreement was a subterfuge whereby the company would lose some \$2,000,000. His cross examination of Rathvon was interrupted by Judge Bondy, who stated that the company needed the capital, must get it on the best possible terms, and told Rosenberg to see whether he could obtain a more favorable agreement from another banking house.

Judge Bondy stressed the fact that Atlas was prepared to underwrite at any price fixed by the Court and that four dollars was not the final figure until objections were heard.

Sanction to Literary Piracy May Affect Pix

(Continued from Page 1)

last week after having sanctioned as a principle what amounts to "literary piracy."

In discussing modernization of the 15-year-old Treaty of Montevideo, conference adopted the principle that any matter may be copied from any periodical or publication without payment to the author or publisher, provided that only the name of the publication is cited as a source. Proponents argue this would permit the sharing of culture among the Americas.

Hence, film interests are asking what is to prevent the duping of motion pictures prints should the "literary piracy" be condoned and practiced.

Argentina and Paraguay opposed the piracy angle, which was supported by Uruguay and Peru.

Other countries represented were Bolivia and Chile.

Adjournment was taken to give other American republics an opportunity to express opinions on the proposed revisions.

"Mask" Opens Big

West Coast Bureau of THE FILM DAILY

Hollywood—Edward Smalls' "The Man In The Iron Mask," opened simultaneously in Los Angeles Friday at two Warner houses, the Hollywood and Downtown. Big opening and second-day receipts indicate biggest first two days in past four months and assure second-week holdovers at both theaters.

GOLDEN WEST TO MAKE 8 COLOR PIX FOR GN

(Continued from Page 1)

minimum of eight feature pictures in color, of which at least four will be released on the 1939-40 program, according to E. W. Hammons, GN president.

Golden West's first picture, "Call of the Range," has been completed. It was screened Thursday for GN executives who were so impressed by its quality that the deal was closed with the producers' representative.

Charles E. Goetz, a prominent Arizona business man, is president of Golden West. He has set up a production budget of approximately \$1,000,000 for the pictures to be made under his contract with GN. The company is an Arizona corporation, with headquarters in Phoenix where its first picture was made.

Earl Haley, who has been an actor, writer and director for many years, is in charge of production. He was assistant director of several Shirley Temple pictures.

Shooting on the second feature will start within two or three weeks. All the features are to be made in Arizona and neighboring states. "Call of the Range" features Joan Barclay, John King and J. Farrell MacDonald, and the horse Rex Junior. The world premiere will be held in Phoenix early in September.

Circuits and Local 306 To Re-negotiate Scale

(Continued from Page 1)

the first part of this week or next week. Preliminary meeting of the theater execs. was held last week in the office of C. C. Moskowitz.

The Local has requested that the meeting be held. In the terms of the contract, a meeting to re-negotiate the wage scale every two years is provided for. What course of action the theater men will take will be decided at a further huddle which will be held shortly prior to the time they sit down with the 306 executives. Whether or not the union will ask for general increases, has not been disclosed.

Current contract expires in 1945.

Further Ushers Hearing

At last week's hearing, before the State Labor Relations Board, of the dispute caused by the attempted organization of ushers in a New York circuit by a CIO union, the IATSE refused to consent to an election. The IA was accused of being a company union by the CIO organization. Matter will come up for a further hearing.

Wolfson With Columbia

West Coast Bureau of THE FILM DAILY

Hollywood—P. J. Wolfson, for the last four years an RKO producer-director-writer, has signed a contract to join Columbia in the same capacity. He moves over to the Columbia lot on Nov. 1.



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THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V. 76, NO. 26

NEW YORK, TUESDAY, AUGUST 8, 1939

TEN CENTS

AAAA to Bolt if A F of L Decision Favors the IATSE? REPORT CODE NOT SUBJECT TO D OF J APPROVAL Schines to Fight Government's Suit "To the Limit"

"We Have Nothing to Fear," Meyer Schine Comments on Reported Suit

Gloversville, N. Y. — J. Myer Schine, president of Schine Enterprises, Inc., said yesterday that his company would fight the Government's anti-trust suit to the limit of its ability. He said he knew nothing about the details of the charges except what he had read in the newspapers, but that from the contents of news stories "there is nothing we have to fear." Schine added that up to 5 p.m. yesterday the organization had received no formal complaint.

The Schine Corporation had al-

(Continued on Page 11)

SAG TO SEEK QUICK ACTION IN IA ROW

West Coast Bureau of THE FILM DAILY

Hollywood — The SAG will insist on immediate action by the A F of L Executive Council at Thursday's Atlantic City hearing of the AAAA-IATSE dispute over performer jurisdiction, it was said here by Ralph Morgan, SAG prexy.

Morgan said that the SAG was

(Continued on Page 3)

French Still Considering Lifting of Film Visas

Washington Bureau of THE FILM DAILY

Washington — The French Government still has under consideration lifting of movie visa quotas, according to information received at the State Department here. French

(Continued on Page 8)

British NATKE Will Ask 48 Hour Week, Closed Shop

London (By Cable) — NATKE British counterpart of the IATSE in the U. S., will press for a 48-hour week and the adoption of the "closed shop" in British film houses.

Additionally, there is agitation for

(Continued on Page 11)

NLRB, in Keeping with Policy, Will Have No Part of the IATSE-AAAA Row at Present

Washington Bureau of THE FILM DAILY

Washington — The NLRB will have no part of the IATSE-AAAA jurisdictional row at present time, it was stated at the NLRB headquarters yesterday.

"It is the policy of the board not to enter intra-union fights," an official told THE FILM DAILY. The Board, however, may become involved, if an employer enters the picture and one union or other seeks relief from the NLRB. The Board may then hold election to determine which union has a majority of employees.

UA WINS DISMISSAL OF SUIT BY FOLLY

Suit of Folly Amusement Holding Corp., former operators of the Folly Theater in Brooklyn, for \$750,000 damages charging violation of the Sherman Anti-Trust Act, was dismissed as against United Artists Corp. by Federal Judge Murray Hulbert yesterday.

Judge Hulbert found that the complaint made no specific refer-

(Continued on Page 11)

Only Two New Features Start on Coast This Week

West Coast Bureau of THE FILM DAILY

Hollywood — Only two new productions are scheduled to go into work this week. One is "South of the Amazon," Famous Production with Harry Edington producer and James Whale

(Continued on Page 8)

FAIR'S POP ADMISH FAILS TO HURT PIX

Broadway's pix palaces found the theoretically competitive pop admish price initiated by the New York World's Fair only a theory, with the week-end biz reported uniformly "excellent."

Checkup of grosses and attendance, conducted yesterday, disclosed that with a total of 64,982 people jamming the Roxy to see "Stanley and Livingstone" during attraction's

(Continued on Page 10)

Stearn and Fish Tied for Prizes in UA Drive

Winners of UA's 20th Anniversary Drive, staged under the direction of Harry L. Gold and L. J. Schlaifer, vice-presides and respectively heads of the Eastern and Western sales organizations, were

(Continued on Page 10)

Revised Draft Completed and Now in Hands of Counsel For Legal Study

Inauguration of the revised Trade Practice Code will not hinge upon the approval of the Department of Justice, it was reported reliably yesterday. While it is understood that copies of the draft will be sent to the D of J, neither approval nor rejection of the proposals by the Department is anticipated.

It previously had been reported that the distributors would insist code must receive the approval of the Department of Justice before it could be put into effect.

Meanwhile, it was learned yesterday that the revised code is complete and has been turned over to in-

(Continued on Page 11)

INDUSTRY AID SEEN IN D OF C CONFABS

Ed Kuykendall, MPTOA president, does not look upon the recent Department of Commerce conferences and inquiry into the film industry's activities as a step towards Government regulation.

If the Commerce Dept. has any such motive in view, the MPTOA

(Continued on Page 10)

Court Orders New Hearing in M-G-M Infringement Case

The U. S. Circuit Court of Appeals yesterday unanimously ordered a new hearing on an application made by M-G-M Pictures Corp., M-G-M Distributing Corp., Loew's, Inc., and

(Continued on Page 10)

CEA Action on Maxwell Proposal Off Till Fall

London (By Cable) — CEA action on John Maxwell's recent suggestion that the exhib. organization enter the production field is off until

(Continued on Page 10)

Hear 4A May Bolt A F of L if IATSE Wins Jurisdictional Victory Thursday

Russo-American Trade Pact Extended for Year

Washington Bureau of THE FILM DAILY

Washington — Assurance that trade relations between the U. S. and Russia will continue for another year, including the status of film imports into that country, is given here through an official pro-

(Continued on Page 10)

With the reassurance of all its affiliated members that they are prepared to strike if necessary to prevent the IA from moving in as jurisdictional overlord of the acting fields, it was believed yesterday that the AAAA, which will go before the A F of L council meeting in Atlantic City Thursday to plead its case, is prepared to bolt the A

(Continued on Page 8)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 26 Tues., August 8, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : : : : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	12½	12½	12½	½
Col. Picts. vtc. (2½%)	9½	9¼	9¼	¾
Col. Picts. pfd.	26¼	26¼	26¼	1½
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11	11	11	
East. Kodak	171	170	170½	¾
do pfd.				
Gen. Th. Eq.	11¾	11¾	11¾	½
Loew's, Inc.	44	43½	43½	¾
do pfd.	108	108	108	½
Paramount	95	93½	91½	½
Paramount 1st pfd.	95	95	95	2¼
Paramount 2nd pfd.	10½	9¾	9¾	1
Pathe Film	11½	11½	11½	½
RKO	2	1½	2	
20th Cent.-Fox	20¼	19½	19½	1¼
20th Cent.-Fox pfd.	30	30	30	¼
Univ. Pict. pfd.				
Warner Bros.	47½	47½	47½	
do pfd.	55	55	55	+ 2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100¼	100¼	100¼	
Loew's deb. 3½s46				
Par. B'way 3s55	50½	50½	50½	¾
Par. picts. 6s55				
Par. Picts. cv. 3¼s47	91½	91½	91½	
RKO 6s41	73¾	73¾	73¾	+ 1¼
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1½	1½	1½	
Technicolor	15½	15½	15½	
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3¼	4½
Loew's Thea. Realty 6s 1st '47	100¾	102¼
Met. Playhouse, Inc. 2nd deb. '45	70½	72½
Roxy Thea. Bldg. 4s 1st '57	65½	67½

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SECURITY

Sept. 15 Release Is Set For 20th-Fox "Rains Came"

Release dates on "The Rains Came" and "Hollywood Cavalcade" have been switched by 20th-Fox, with the former now scheduled for release on Sept. 15 and the latter moved back to the Oct. 13 date originally set for the Bromfield story about India.

Switch was made following studio and sales department execs.' belief after studio preview that "The Rains Came" will prove to be one of the year's outstanding pictures. Charles E. McCarthy, ad. and pub. chieftain, delayed his return to New York to meet Herman Wobber, sales head, for conferences on new product. McCarthy planes East tomorrow.

Editing of "Film Index's" Galley Proofs Under Way

Work on "Film Index," the 800-page bibliography of motion picture literature in preparation by the Federal Writers' Project of New York City, has advanced to the final production stages, with the editing of galley proofs under way. The volume will be distributed by the H. W. Wilson Co. which shares publication sponsorship with the Museum of Modern Art Film Library.

It includes classified and annotated guides to some 10,000 books and magazine articles dealing with the creative and technical aspects of film making. It will also offer references to selected reviews of some 4,000 important films classified according to type.

Cleveland Indies Talking New Operators Contract

Cleveland—John Kalafat has resigned as chairman of the labor committee of the Cleveland Motion Picture Exhibitors Association. He has held the post for the past 25 years. G. W. Erdmann, association secretary was named as his successor. Negotiations are now under way between the Association, composed only of independent theater owners, and Local 160, IATSE on a new operators' scale to take the place of the current two-year agreement which expires Aug. 31.

New \$250,000 Theater to be Built In Frisco

San Francisco—A new \$250,000 theater deal has just been closed here. Deal involves a 99-year lease on property on Mission Street near 22nd, on which a \$250,000 1,000-seater will be constructed. Wells Fargo Bank sold the property to the Lurie Company, which in turn completed a 90-year lease with Levin Enterprises, operating a string of San Francisco pix houses. Construction will start within 60 days, with opening scheduled early in 1940.

NBC To Televis Feature Film Weekly During Fall

RCA-NBC's augmented schedule of television programs, calling for a minimum of 11½ hours weekly, goes into effect Aug. 29, and provides for the presentation of one feature film every Wednesday night at about 8:30 o'clock, organization officials asserted yesterday.

Studio's live talent shows will occupy three other evenings,—Tuesday, Thursday and Friday.

Feature films acquired recently, with eye to the new film tele programs, continue to come from indie sources. Two attractions, it is stated, have been acquired from Invinible. These are "Three Of A Kind" and "Bridge of Sighs."

Deals, it is understood, have also been concluded by RCA-NBC for attractions via Syndicate and Mascot.

Universal Negotiating Product Deal With RKO

With negotiations under way with the RKO circuit, Universal has closed product deals with Schine, Maine & New Hampshire, Fox West Coast, Comerford, Malco & Blank circuits in recent weeks for the 1939-40 program, William Scully, sales manager, said yesterday.

Scully said that the number of new product contracts to date was "well ahead" of the corresponding period last year. The RKO deal is expected to be set shortly.

Extend Nathanson Option to Acquire FPC Stock

Montreal—Famous Players Canadian advises that under the option agreement with N. L. Nathanson, dated April 15, 1936, arrangements are being made to extend the option with respect to the block of 11,000 shares to be taken up as at July 31, 1939. The option agreement has been amended so that these 11,000 shares may be taken up at any time between now and Jan. 15, 1940.

New Monogram Managers In Frisco and Portland

Replacements of branch managers in two exchanges were announced yesterday by Monogram. William M. Duggan, Jr., is the new manager in San Francisco where he succeeds F. Howard Butler. In Portland, Ore., Walter Wessling, former Gaumont British manager in Seattle and Portland, replaces Cecil Farnes as branch manager.

Truck Strike Averted

Syracuse—A threatened strike involving 2,400 operators of long haul freight trucks and 15,000 employees was averted by compromise contracts covering three years. Hourly rates of 76 cents for the first year, 78 cents for the second, and 80 for the third apply to the whole state, except Albany and New York City.

COMING AND GOING

CHARLES E. MCCARTHY, 20th-Fox publicist ad head, leaves the Coast tomorrow by plane for New York.

WILLIAM SISTROM, RKO Radio director, flew to the Coast last night, following his arrival from England where he recently completed "Sail In London."

ERROL FLYNN is stopping at the Waldorf-Astoria. He is accompanied by his sister, MISS ROSEMARY FLYNN of Belfast, Ireland, who flew here with him from Chicago.

NORMAN REILLY RAINES, Warner Bros. writer has left Burbank for New York.

JERRY COLONNA, film player, left New York yesterday for the Coast to appear in Charlie Chaplin's, "The Dictator."

ROBERT STEVENSON, director, leaves England tomorrow on the Normandie for New York and Hollywood.

CARY GRANT, film star, returned to New York yesterday from Europe on the Ile de France from an extended vacation abroad.

AARON FEINBERG, of the maintenance department of B & K Theaters in Chicago; MILTON CUSHNER, of the Joseph Weiss Theaters, Pittsburgh, accompanied by his WIFE and their friend HARRY ALTER, of Youngstown, Ohio, were among yesterday's visitors to Paramount's World's Fair Lounge in the home office.

A. FRANK O'BRIEN, city manager in Richmond for Wilmer & Vincent, has returned to his post from a Coast vacation trip, accompanied by MRS. O'BRIEN.

MARY PICKFORD is scheduled to arrive South Boston, Va., early in September, to be honored as queen of the annual Tobacco Festival there, where her husband, Charles "Buddy" Rogers is filling an engagement with his orchestra.

F. J. BERRES, booker for RKO in Chicago, leaves this week for a combined vacation and honeymoon at Sodus, Mich.

STEWART TUCKER, manager of the State Theater, Richmond, is in New York to visit the World's Fair, accompanied by his wife and son.

EDWARD A. McEVY, RKO Radio's eastern and Canadian sales manager, has returned to the home office from Richmond.

WILLIAM BORACK, of Intermountain Theaters, Salt Lake City, is stopping at the Hotel Pennsylvania.

HAROLD BUSER, of the Roxy Theater, Ottawa, Ill., is in town and is registered at the Capital Hall.

A. W. LITTLE and J. D. MITCHELL, of the Rialto Theater, Greenville, Texas, are at the Mayflower.

HERBERT SILVERBERG, Coast film attorney, arrived in Buffalo yesterday from Saranac Lake and tomorrow goes to Toronto.

GEORGE KRASKA and his son, LEONARD, arrive in New York today from Boston; they headquarter at World Pictures.

Films In Loop's Erlanger?

Chicago—It is reported that negotiations are under way to use the Loop Erlanger Theater for popular price films.

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THE FILM DAILY

1501 Broadway

New York City

AG TO SEEK QUICK ACTION IN IA ROW

(Continued from Page 1)

determined that the Council shall not procrastinate. Morgan declared that no jurisdiction or question is involved but the matter concerns the constitution of A F of L and affects every union operating under that constitution. He also stated that constitution has a clause preventing any international chartering a suspended union of another international and further stated, that AGVA is now a properly chartered union replacing AFA.

SAG Group Flying In For A F of L Convention

Delegation of screen players will fly from Hollywood tonight en route to the A F of L convention at Atlantic City. Among those to leave on the specially chartered TWA plane, renamed "Star Special" will be Ralph Morgan, president of SAG; Edward Arnold, Jean Muir, Chester Morris, Mischa Auer, Wayne Morris, Henry Hull and Kenneth Thomson, SAG executive secretary. TWA is supplying a special traffic manager to accompany the group.

Plane arrives in Newark at 5 a.m. tomorrow. Thursday the Hollywood group will be joined by the New York contingent, to include Fredric March, Lawrence Tibbett and others, and all will fly to Atlantic City to appear before the A F of L executive council.

Griffith Amusement Co. Buys Republic's Product

Deal has been closed by Republic franchise holders in Oklahoma and Texas with the Griffith Amusement Co. covering 77 situations in the two states, it was announced yesterday by James R. Grainger, Republic prexy. Deal calls for the entire product lineup for a one-year period.

William Underwood, Republic franchise holder in Texas, and Sol Davis, company's franchise holder in Oklahoma, in conjunction with Clair Hilger, southern district manager, worked out the contract with Horace Falls, Griffith exec.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 8
Sylvia Sidney
John Hobbie

ALONG THE



WITH PHIL M. DALY

● ● ● WHY IS this industry the target for pressure groups?..... It's a question we've often pondered.....and we've about reached the conclusion that the condition.....is largely due to industry disinclination to answer back.....when its good name is under fire.....that's why we're glad to read.....Ken Clark's letter to Publisher Palmer Hoyt.....of the Portland Oregonian.....calling attention to no less than.....11 glaring factual errors.....in a recent article....."Movie Moguls Say 'phooey' to the Dictators".....by one Shotwell Callvert.....On behalf of the MPPDA, Ken contrasts Callvert's statements with the facts.....and says....."much of the article seems to be malicious nonsense".....Nonsense, surely.....and malicious also if and when quoted by pressure groups.....to further anti-industry campaigns.....

● ● ● IT'S GOOD publicity anyway.....We mean that story in the newspapers yesterday.....about Sol Lesser giving all his employes an extra half-hour for lunch.....provided they play badminton.....Said Lesser....."The company will benefit from improved health of workers who get midday physical exercise."

● ● ● MAYBE we're wrong.....but we have a hunch that for a real slant on this industry.....and the people in it.....you must look.....not to such headlines as "D of I files monopoly suit against Schines".....but to such editorials as that captioned "A Generous Act".....in the Cleveland, O., Press.....and detailing the humanitarian work of the Cleveland Variety Club.....in sending 350 underprivileged children to summer camps this season.....Incidentally, credit Nat Wolf with the original idea.....for the Cleveland work.....Nat looked out of his office window.....one Spring day.....and saw a group of kids trying to play ball in an empty lot.....The Variety Club's board agreed with Nat that something should be done.....and it was.

● ● ● DEATH came to Pop Reilly yesterday.....Pop was the fatherly old Irishman who, as stage doorman of the Radio City Music Hall, was beloved by all the talent who appeared at the theater.....Less than a year ago Pop retired.....when his son, William, inherited a fortune.....and Pop began to live the real "life of Reilly" in a bungalow at Rockaway Beach.....But his days of luxury were short-lived.

● ● ● GOSSIP.....John Day, Paramount's manager for South America, is recovering from a minor operation which he underwent shortly after arriving in New York a few weeks ago. . . ● Has it been reported that Betty Lamb, that charming third floor hostess at M-G-M, is now Tom Gerety's secretary.....since Tom married his former sec. Natalie Hammerstein? . . . ● Dave Pallfreyman of the Hays office..... is getting ready to depart Friday for a two-week holiday in Indiana. . . ● Harry Kosch, Allied of New York attorney, has moved out of the Paramount Bldg. and is headquartering now in the New Amsterdam Theater Bldg. . . ● Harry Brand, who has been vacationing in Maine, arrives in Saratoga today. . . ● William Sistrom, RKO director, back from England where he made "The Saint in London".....He left last night for the Coast.

DATE BOOK

- Today: National Theaters regional convention, Kansas City.
- Aug. 10: RKO Radio U. K. sales convention, Trocadero, London.
- Aug. 11: Abe Lichtman testimonial dinner, Willard Hotel, Washington.
- Aug. 11-15: Gibraltar Enterprises convention Denver.
- Aug. 13: Chicago Film Carriers Association outing, Mannheim Woods.
- Aug. 14: Film Section, Toronto Board of Trade, golf tournament, Oakdale Golf Club, Weston, Ont.
- Aug. 14-16: National Theaters regional convention, Los Angeles.
- Aug. 16: Women's Film Industry Club and Film Bookers Club of Chicago Midsummer Splash Party, Medinah Club.
- Aug. 16: Rocky Mountain Screen Club picnic and dinner dance, Evergreen.
- Aug. 16-18: National Theaters regional convention, Brown Palace, Denver.
- Aug. 21: Omaha Variety Club golf tournament.
- Aug. 21: Detroit Variety Club golf tournament, Knollwood Country Club.
- Aug. 21: Cincinnati Variety Club golf tournament, Summit Hills Country Club.
- Aug. 22-24: National Sign Association convention, Stevens Hotel, Chicago.
- Aug. 27: Gus Sun's managerial get together, Van Dyck Club, Mechanicsburg, O.
- Aug. 30-31: West Virginia Managers Association, Greenbrier Hotel, White Sulphur Springs.
- Sept. 1: L. E. Goldenhammer testimonial dinner, Hotel Nicolet, Minneapolis.
- Sept. 1-15: International Film Festival, Cannes, France.
- Sept. 6-8: Allied Theater Owners of New Jersey convention, Ritz-Carlton Hotel, Atlantic City.
- Sept. 14-16: Biological Photographic Association convention, Mellon Institute for Industrial Research, Pittsburgh.
- Sept. 26: Independent Theater Owners of West Virginia convention, Waldo Hotel, Clarksburg, W. Va.
- Oct. 1-7: Film industry's Golden Jubilee.
- Oct. 15: Pittsburgh Variety Club banquet, William Penn Hotel.
- Oct. 16-19: SMPE Fall convention, Hotel Pennsylvania.
- Oct. 23-24: MPTO of Western Pennsylvania convention, William Penn Hotel, Pittsburgh.
- Nov. 25: Washington Variety Club banquet, Willard Hotel.
- Nov. 29: Motion Picture Associates dinner dance, Hotel Astor.

Lehman Back In Post

Kansas City, Mo.—Coincident with the opening of the Orpheum here Aug. 18, Lawrence Lehman, veteran Kansas City theater manager, will return to show business to assume his old post of house manager. Lehman's father was manager of a previous Orpheum Theater.

Ah, There, Tarzan!

Newark, N. J. — For a lad of the jungles, this fellow Tarzan shows considerable sophistication in his latest adventure, as chronicled on the marquee of the Stanley here. According to the Stanley: "Tarzan Finds a Mate—Naughty But Nice."

WAR

THAT'S THE WAY
1938-39 STARTED

"Four Daughters"

O

T

JACK L. WARNER
in Charge of Production

WARRIORS

N

OP

THAT'S THE WAY
1938-39 FINISHES!
"Each Dawn I Die"

HAL B. WALLIS
Executive Producer

SHE LIVED ON THE

WHEN



National Release August 11th

BACK STREET of LOVE!

(Here's a Selling Line and
Message that will excite every
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It Lives and Breathes of the Greatest Moments in a Woman's Life!

John M. Stahl's Searching Artistry brought to you by Universal!

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DUNNE ★ **BOYER**

in

TOMORROW COMES

with

Barbara O'Neil • Onslow Stevens
Nydia Westman • Fritz Feld

A **JOHN M. STAHL**
PRODUCTION

Produced and
Directed by
JOHN M. STAHL

4A'S TO BOLT IF A F L DECISION FAVORS IA

(Continued from Page 1)

F of L and establish itself as an autonomous body unless a clear-cut ruling is handed down which will prevent any IA "grab" in their field.

At the 4A's office yesterday, it was stated that 500 strike pledges had already been returned by members and a large number of the 30,000 membership are expected to send their pledges back before the delegation leaves New York Thursday morning for Atlantic City. All pledges, it was said, were in favor of supporting the AAAA fight by striking if necessary.

A surprise move was made by the AFA when it dropped its charges against the AAAA. AFA had asserted that the 4A's did not have the jurisdiction it claimed, that the trial board selected to hear the charges against the AFA had been illegally constituted and that it was not within the rights of the AAAA to revoke the AFA charter.

Vital Court Decision Due

Decision is expected to be handed down today in the New York Supreme Court on the application of the AFA asking that an injunction be issued to restrain AGVA or any other union from organizing in the AFA field and interfering with the AFA in any respect. A telling blow may be struck at either side with this decision. If it favors the AFA, it will stalemate the efforts of the AAAA to set up a rival union, and if it favors the AAAA, it may be a deathblow to the AFA unless the IA wins a complete victory at Atlantic City.

The IA bases its claim to jurisdiction on the contents of a clause in its original A F of L charter, issued some 60 years ago, which states that the union shall have jurisdiction over all workers on stages. George E. Browne, IA prexy, is expected to ask the Council to redefine this clause to clearly establish the jurisdiction of the IA over actors as well as other stage employees.

Claim of the AAAA to its jurisdiction will be based on its recognized jurisdiction over the field for 29 years, its charter giving such jurisdiction by the A F of L and

50 Gaumont British Film Theaters to Have Television Installations by End of 1940

London (By Cable)—Baird tele installations in GB theaters will approximate 50 by the end of 1940. Estimate is based on the assumption that BBC will erect transmitters in Manchester and Birmingham.

Newspaper Trade Journal Eyes Tele's Effect on Ads

Editor & Publisher, newspaper trade journal, this week will present the first of two articles analyzing the possible effect of television upon newspaper advertising, the present status of television as regards possible number of stations, licenses issued or applied for; reception area; future cost of receiving sets, etc. In addition, the articles will tell the probable cost of equipping a 1 kw. television station, yearly cost of operation, and probable sale price per hour of television time.

Para. Sets Circuit Deals

Chicago—Local Paramount exchange reports closing contracts for the new season with Kerasotes, Hamline and Alger circuits.

the fact that if the IA had rightfully had jurisdiction to this field, it would have organized it many years ago.

TMAT Schism Threatened

With the battle lines clearly drawn on this issue, another schism appeared to be imminent in theatrical ranks as reports became prevalent last night that the film division of the TMAT might break away from the legit division unless the latter organization also asked for an IA charter. The film division has already expressed its 100 per cent willingness for affiliation, but the legit division stalled on the issue. Overall membership meeting Thursday night is expected to settle the issue one way or another.

A further attack on Ralph Whitehead, executive secretary of the AFA, was leveled yesterday by the insurgent group in the organization. They charged him with failure to call a membership meeting on receipt of a petition asking for one. It was also asserted that the membership was not consulted or apprised of Whitehead's action in asking for and accepting an IA charter, and absorption of the AFA by AGVA, dissolution of the organization or removal of the officials is asked for by the insurgent group.

NLRB May Order Hearing in IATSE-USTU Dispute

Washington Bureau of THE FILM DAILY
Washington—The NLRB has before it a request for hearing in the jurisdictional dispute between the IATSE and United Studio Technicians Union, it was learned yesterday. The next step calls for the board to decide if the matter warrants hearing. Board officials told THE FILM DAILY it was impossible to say when decision would be forthcoming.

L. C. Griffith, Chief Barker of New Oklahoma City V. C.

Oklahoma City—Thirty state theater men met at the Biltmore Hotel here and organized a local Variety Tent naming L. C. Griffith of the Griffith Amusement Co. as Chief Barker.

Other officials named included Morris Loewenstein as 1st assistant barker and W. P. Moran as 2nd assistant barker; W. B. Zoellner, local Loew's, Inc. manager, as Dough-guy and B. J. McKenna of the Griffith Amusement Co. as Scribe.

Canvass men include Sol Davis of Republic Pictures; Otto Rhode of Vitagraph Inc., Max Brock of Lawton, Horace Falls of the Griffith organization and Ralph Williams of RKO-Radio Pictures, Inc.

Application for a charter will be made immediately and negotiations are now under way for club quarters. Initiation fee was set at \$25, the same figure applying for annual dues with non-resident memberships offered for \$15 initiation fee and \$10 per year dues.

Lloyd Rust of Republic Pictures, secretary of the Dallas tent, addressed the organization meeting and guided the group called together by L. C. Griffith to form the organization.

Archbishop Okays Bingo's Use By Milwaukee Churches

Milwaukee, Wis.—As the result of a letter by Archbishop Samuel A. Stritch published in the Catholic Herald Citizen here, upholding Bingo games which are conducted under church regulation as "clean recreation" and as a commendable method of raising money for charitable, religious and educational causes, indications were that the games sponsored by churches in this area would not be withdrawn, attempts by local independent business men and theater men to ban them by law notwithstanding.

Pending before Circuit Judge John C. Kleczka here is the action of Charles W. Trampe, head of the Monogram-Midwest Film Exchange, to restrain the Bahn Frei Hall from conducting Bingo games.

British Production Seen at End in Event of War

London (By Cable)—Film production in Great Britain in the event of war would become practically extinct, it is indicated. The \$4,000,000 Pinewood Studios and the \$2,500,000 Denham Studios will be converted into food storehouses while the \$2,500,000 Elstree plant will be taken over by the Ministry of Health.

ONLY TWO NEW PIX STARTS ON THE COAST

(Continued from Page 1)

director. The picture co-stars Douglas Fairbanks, Jr. and Joan Bennett and will be released by Universal. Story is by Frances Marion.

At 20th Century-Fox, "Too Easy to Work," another of the Jones Family series, goes before the camera.

Currently in production: "First Love," "Rio," "Legion of Lost Flyers," "Chip of the Flying U," "Call a Messenger" at Universal; "Northwest Passage," "Remember," "Another Thin Man," "Balalaika," "Dancing Co-Ed," "Ninotchka," "Mark Bros. At the Circus" at M-G-M; "Vigil in the Night," "Alleghany Frontier," "The Hunchback of Notre Dame," "Three Sons," "Abe Lincoln in Illinois" and the Boris Morros production "Flying Deuces" at RKO; "Typhoon," "Remember the Night," "Dr. Cyclops," "The Light That Failed," "Untamed," "Diamonds Are Dangerous," "Federal Offense" at Paramount; "Drums Along the Mohawk," "Here I Am a Stranger," "High School" at 20th Century-Fox; "We Are Not Alone," "20,000 Years in Sing Sing," "The Roaring Twenties," "On Your Toes," "Lady Dick," "Philo Vance Comes Back" at Warner Bros.; "Prison Surgeon" and "Sundown in El Dorado" at Columbia; "Calling All Marines," Republic; "Murder in the Big House," Monogram; "Eternally Yours," Wanger; "Meet Dr. Christian," Stephens-Lang Productions.

French Still Considering Lifting of Film Visas

(Continued from Page 1)

Government has already lifted or reduced quotas on number of industrial products, the State Department said, and action on the visa quota would be in line with this policy. The Department reports it has no information on the Belgian Government following same course.

UA Signs Central States

Omaha—Central States Theaters of Des Moines have signed contracts with the United Artists exchange here for the next season's product in 33 Nebraska and Iowa situations.

Penn Square to Reopen

Cleveland—The Penn Square Theater, closed during the summer, will re-open on or about Aug. 15 with a foreign picture policy, according to R. Rose, lessee of the house.

Nix on S. R. O.

Guatemala City (By Cable)—Director General of the National Police has notified film theater owners that no house may sell tickets beyond the actual seating capacity, whether they be for gallery, balcony or orchestra seats, nor shall any theater owner permit persons to stand or place additional chairs in the aisles or other vacant spaces. A stiff fine is imposed for violation of the rule.

WEDDING BELLS

West Coast Bureau of THE FILM DAILY

Hollywood—Sigrid Gurie, film actress, was married here on Sunday to Dr. Lawrence C. Spangard at the latter's home.

Esther Ralston, film and stage actress, and Ted Lloyd, columnist of RADIO DAILY, were married on Sunday afternoon in Greenwich, Conn., by Justice of the Peace J. J. O'Brien. Mrs. Charles Peter Jaeder was matron of honor, and Jack Robbins, music publisher, was best man.

EXCITING

news from SAN FRANCISCO



THEY SHALL HAVE MUSIC! hits biggest opening figure of any picture to play the UNITED ARTISTS THEATRE since before the start of the Frisco World's Fair!

THRILLING

news from NEW YORK CITY



THEY SHALL HAVE MUSIC! rolls up second week gross equal to first week at the RIVOLI, proving that every ticket-buyer joins in its great word-of-mouth build-up!

SAMUEL GOLDWYN

gives you another outstanding hit in the box-office stride of "DEAD END", "STELLA DALLAS", and "THE HURRICANE"

THEY SHALL HAVE MUSIC!

with an outstanding cast including

ANDREA LEEDS • JOEL McCREA

GENE REYNOLDS • WALTER BRENNAN • TERRY KILBURNE

PLUS

the immortal music of the world's greatest violinist

JASCHA HEIFETZ

Directed by ARCHIE MAYO • *Released thru* UNITED ARTISTS

FAIR'S POP ADMISH FAILS TO HURT PIX

(Continued from Page 1)

first three days at that house, started Friday, attendance was expected to bring the total over the 75,000 mark as all attendance figures at the theater were topped with only two former exceptions. Management asserted that the film is expected to run there for a minimum of three weeks.

Week-end "take" at the Paramount hit a new summer high with "Beau Geste" which opened Wednesday, last. It was estimated by Paramount that \$55,000 is virtually certain for the first week, and this will be the first instance of a gross of more than \$50,000 in the theater's history during the hot weather season.

Radio City Music Hall reported biz to be very strong with "In Name Only" as the magnet, packed houses being the rule from attraction's inception.

Capitol, with "Four Feathers," also played to jammed houses on the week-end, and virtually just as great attendance on the week days.

Holdovers likewise scored heavily. "They Shall Have Music" continued to go big at the Rivoli. Sustained strength was shown by "Each Dawn I Die" at the Strand, while "Good-bye, Mr. Chips" marched along at a lively clip at the Astor.

Russo-American Trade Pact Extended for Year

(Continued from Page 1)

nouncement of the extension of the existing commercial treaty until August, 1940.

Consequently, no deterrent to Hollywood product, other than the unusual strict censorship which exists, plus the imposition of customs duties in the amount of 100 per cent of the value of the film, is anticipated for the next 12 months.

Greatest Movie Season Launched In Twin Cities

Minneapolis—Twin Cities division of the Minnesota Amusement Co., has launched its Greatest Movie season a month earlier than usual and in the face of extraordinary and variety opposition. Campaign is being backed by biggest radio program in the history of the company. Other promotion includes special advertisements, special accessories, posting and heralds.

Oklahoma Theater Income Tax Collections Decline

Oklahoma City—State income tax collections on theater firm incomes during 1937 as collected in 1938 dropped to \$17,535.83 from \$33,559.28 as reported the previous year, according to analysis of returns just released by the state tax commission.

A "Little" from "Lots"

By RALPH WILK

HOLLYWOOD

By RALPH WILK

Ford on "Grapes of Wrath"
DARRYL F. ZANUCK yesterday assigned John Ford to direct "Grapes of Wrath," and thereby discounted reports that opposition to the screening of the controversial story might cause 20th-Fox to shelve its production plans. A complete script has been finished by Nunnally Johnson, 20th-Fox associate producer, and it has been okayed by John Steinbeck, the author, according to a provision in the contract.

WB Starts Three Sept. 5

Warners will launch three productions on Sept. 5. They are, "Underground," exposure of the undercover movement against Hitler in Naziland, with John Garfield starred; "Invisible Stripes," Warden Lewis E. Lawes story of convicts on parole, co-starring James Cagney and George Raft; and "The Story of Edgar Allan Poe."

"Torture Ship" Script Ready

George Sayre and Harvey Huntley have completed the screenplay of "Torture Ship," suggested by the Jack London story, "A Thousand Deaths," for Producers Pictures. Company is currently casting for the production which is scheduled to go before the cameras Aug. 14.

McCarey Using Four "Unknowns"

Four "unknowns" selected from

among the summer stock players of Eastern "little theater" groups, will make their debut in Leo McCarey's next production for RKO release.

Zanuck Again Wants Brown

Impressed by the work Clarence Brown has done in filming Louis Bromfield's "The Rains Came," for 20th-Fox, Darryl F. Zanuck is now trying to borrow the director again from M-G-M, this time to megaphone the picturization of "The Life of Brigham Young," Mormon leader.

Bobby Clark on Coast

Bobby Clark, 13 year-old world's champion junior cowboy, has returned to Hollywood from his ranch at Talihina, Okla., to prepare for his first picture under his new contract with Producers Pictures Corp. He will be featured in a western "family" series, the first of which will be, "The Sagebrush Family Trails West," scheduled to go into production early in September.

Bonita Granville Grows Up

Warners have handed Bonita Granville her first grownup role. She will play young wife of Edgar Allen Poe, in the forthcoming film, to be directed by Lew Seiler.

"Emperor" Norton for Screen

"Emperor" Norton of San Francisco and the United States is chief character in a screen musical comedy being made by Ward Lascelle for Novel Productions. Score is by Wilbur Campbell.

Stearn and Fish Tied for Prizes in UA Drive

(Continued from Page 1)

announced yesterday as follows: District manager—Bert Stearn, Central district, and Ben Fish, Far West district, tied.

Leading salesman—East division, James Hendel, Cincinnati; West division, F. M. Higgins, Seattle.

Leading branch managers—East division, D. Griesdorf, Winnipeg; West division, Guy Navarre, Seattle.

Exchange exceeding by widest margin its played and earned quota—San Francisco; each employee benefits.

Bookers of the leading branches in each district: Ray Curran, St. Louis; Elmer McKinley, Washington; Jack Reid, Winnipeg; Roy Sachs, Dallas; Harold Hardin, Seattle; David Brown, Pittsburgh.

All winners receive cash awards. Drive was UA's most successful, it was stated.

Mrs. W. U. Murray Dead

Grand Rapids, Mich.—Mrs. William U. Murray, 38, wife of one of the owners of the Savoy Theater here, died after an illness of several weeks. Besides the husband, she is survived by a daughter, a brother and a sister.

Burns Broadcast Precedes "Leading Citizen" Opening

Van Buren, Ark.—Featuring the first coast-to-coast broadcast to originate in Van Buren, home of radio and film star Bob Burns, CBS presented Burns and an all-Arkansas cast in a half-hour show from 8 to 8:30 p.m. (CST), last night.

The radio show preceded the world premiere of Paramount's new Burns' film, "Our Leading Citizen." The program was presented from the stage of the Bob Burns Theater. Robert Hussey, of Paramount's advertising department, was radio program director.

Despite a 103 temperature, it is estimated that the premiere attracted more than 80,000 visitors to this town of 5,000.

Forty-two dailies sent representatives to cover the opening.

Shepherd's Bush Reopening

London (By Cable)—Reopening of the Shepherd's Bush studios will result from the Gainborough-General Film Distributors deal, thus relieving technical unemployment in the industry. First pix to be released by GFD will be "Frozen Limit."

INDUSTRY AID SEEN IN D OF C CONFABS

(Continued from Page 1)

exec. believes that it is quite different "than the sort of Government regulation sought by the Department of Justice and the Neely Bill," which, according to Kuykendall, in an MPTOA general bulletin, "offer a purely negative approach to our business problems."

Disclaiming any "inside" information as to the purpose of the conferences, the bulletin asserts that "perhaps the Commerce Department can, by helping us to establish self-regulation and self-discipline in these matters, in other words, make it possible for us to regulate our own business with their co-operation and supervision."

"This we believe," Kuykendall continues, "is more intelligent and quite different from government regulation by court decrees, statutes with penalties, or placing the business under a commissar."

Court Orders New Hearing in M-G-M Infringement Case

(Continued from Page 1)

Culver Export Corp. to dismiss the suit of Delores Lacy Collins as administratrix of James H. Collins which had asked for an injunction, an accounting and \$1,000,000 damages for alleged infringement of Jimmy Collins book, "Test Pilot," in a similarly titled picture.

Circuit Judge Augustus N. Hand in his opinion, which reversed a dismissal of Federal Judge Alfred C. Coxe, held that a comparison of the defendants "cutting continuity" and the plaintiff's book indicated that no infringement had been committed, but continued to say that the Court could not dismiss the case on that evidence alone. The Appellate Court suggested that the District Judge see an exhibition of the picture before passing on the application again.

CEA Action on Maxwell Proposal Off Till Fall

(Continued from Page 1)

September when the General Council meets. Maxwell, who offered to finance one production without personal profit, has suggested W. R. Fuller head the CEA setup.

CIO Exec. Denies It Seeks Affiliation of Technicians

West Coast Bureau of THE FILM DAILY
Hollywood—Addressing the United Studio Technicians Guild members, President Philip M. Connelly of the California CIO denied that CIO is seeking the affiliation of the USTG to which it has given financial aid. John F. Gatelee, President George E. Browne's IATSE representative on the Coast, said his organization has no quarrel with the actors and "that communists are trying to use the Guild for the same old front they have tried other places."

UA WINS DISMISSAL OF SUIT BY FOLLY

(Continued from Page 1)

ence to UA "as a participant in the conspiracy" and permitted the plaintiff to amend its complaint within 20 days to include United Artists specifically.

A decision directed the plaintiff to file a bill of particulars in reference to a suit against all other defendants, including the majors, Randforce Amusement Corp., Monogram Distributing Corp., and Republic Pictures Corp. Loew's, Inc., lost its application to strike out parts of the complaint which referred to negotiations between the plaintiff and Springer-Cocalis Corp.

Suit claimed conspiracy and discrimination in allotment of product which allegedly caused the plaintiff to close its theater.

British NATKE Will Ask 48 Hour Week, Closed Shop

(Continued from Page 1)

the establishment of a national negotiating committee, possibly through the machinery of the National Joint Appeal Board.

Dominion Feature of Royal Visit to Run 7,000 Feet

Montreal — By the end of this month, the Dominion Motion Picture Bureau here will have ready for a formal showing before Premier King and the Cabinet a full-length feature film of their Majesties' recent tour of Canada. As soon thereafter as possible, it is hoped to have the film made available for distribution to the theaters of the Dominion.

Some 80,000 feet of film, taken in nearly 40 places visited by the King and Queen, are to be edited into one film of around 7,000 feet. The Bureau staff of 12 men has been working overtime constantly since the end of the royal tour.

The Bureau has material also for a shorter color film on the royal visit but work on this is being delayed until the official feature is completed.

Lerner Film In Cine Color

West Coast Bureau of THE FILM DAILY

Hollywood—All processing work on color film shot by the Michael Lerner Expedition of the American Museum of Natural History will be done by Cinecolor. Cinecolor has completed development of 30,000 feet of negative exposed by expedition's cameraman in South Seas and New Zealand waters and rush prints are now in the East for editing by officials at the New York museum.

Good News

Cincinnati—Business in smaller towns throughout Ohio is reported at the Cincinnati exchanges to be considerably improved.

Code Not Subject to D of J Okay; Judge It on Merit--Kuykendall

(Continued from Page 1)

dustry attorneys for their study Counsel for the majors met yesterday to consider the legal aspects of the draft and their official report to the sales heads may be submitted today.

It is quite likely that the revamped code will be released for publication tomorrow or Wednesday as it is understood that the document will be delivered to the board of directors of the Southeastern Theater Owners Association which meets tomorrow in Atlanta.

While the distributors' committee has been keeping silent on the nature of the changes in the modified code, it has been reported that the revisions have been of minor importance.

Kuykendall Urges Exhibs. To Judge Code on Merits

"Acceptance or rejection of the trade practice code when it is presented in final form should be based on hard-headed business sense, not on prejudices or on exhibitor politics."

This advice was advanced yesterday in an MPTOA bulletin by President Ed Kuykendall, who contended

that exhibitors should consider the code on its merits and on its merits alone.

Pointing out that no exhibitor is entirely satisfied with the entire code, Kuykendall asserts that "you cannot ignore the fact that the cancellation provisions... is much better than any previous minimum cancellation provision. Getting rid of the separate score charge is a definite achievement. If the declaration against forcing shorts and trailers is lived up to, it will probably come as near to solving this problem as is possible."

In regard to arbitration, Kuykendall writes: "The questions of unreasonable clearance and overbuying to deprive a competitor of pictures obviously require a local agency of some sort to adjust complaints and differences. We believe that the distributors made a bad mistake in throwing out all provisions for organized mediation in favor of a dubious arbitration system, to satisfy a minority faction of exhibitors who have since repudiated the whole project. At least we can try this arbitration and let it prove itself. It may help the situation. If it doesn't work, we will find that out, too."

Pari-Mutuels Facing Hot Fight in New York State

Albany — The question of pari-mutuels, finally passed by the State Legislature in 1938 and 1939 after 15 futile years of charges and counter charges of lobbying, will go before the people in referendum form in November, but not without a hot fight such as New Jersey had before ratification in June. Exhibs. in the Albany-Troy area, near the Saratoga track, and in the metropolitan district, are interested.

Charter in Albany last week was a concern to be known as Preserve the Constitution-Defeat Pari-Mutuel Amendment, Inc. Its subscribers are Henry and C. M. Castor, Albany, and E. A. Memis, Syracuse. One of the corporation's stated purposes is to "Oppose by all lawful means attempts to alter or repeal provisions of the Constitution prohibiting gambling."

Conn.'s Pioneer Drive-In Called Public Nuisance

Milford, Conn. — First step has been taken by property owners in the threatened war against the Milford Drive-In Theater as a public nuisance because of excessive noise. At a largely-attended meeting in the Town Court, cash has been contributed for funds to fight the matter in the State Courts, pleading for closing of the theater, first such venture in Connecticut. Th 500-car Drive-In is operated by Marcel Meckelberg of Boston.

Fire Underwriters Issue Amended Film Regulations

National Board of Fire Underwriters has the amended regulations for the storage and handling of Nitrocellulose motion picture film ready for industry distribution.

Amendments were presented by a sub-committee whose members are: George W. Booth, chairman of NBFU; A. L. Armstrong, of Eastman Kodak Co.; A. S. Dickinson, MPPDA; Sylvan Harris, SMPE; H. L. Miner, of Manufacturing Chemists' Ass'n of the U. S., and Cellulose Plastics Mfg.'s Ass'n; L. B. Newell, New York Fire Insurance Rating Organization; and Frank Thornton Jr., NFPA Electrical Committee.

Changes made to the regulations are indicated in italics in text of a pamphlet containing advance publication of the Report of the Committee on Hazardous Chemicals and Explosives. Copies of Pamphlet No. 40 can be obtained upon request addressed to the National Board of Fire Underwriters, 85 John St., New York City.

Drilling Cancellations Menace B. O. In La. Towns

New Orleans—Cancellation of 112 permits to drill oil in the Golden Meadows field area of Louisiana is expected to cut into the business of four theaters which serve this area. Two houses at Golden Meadows, one at Cutoff and one at Larose will be affected.

SCHINES TO FIGHT CHARGES "TO LIMIT"

(Continued from Page 1)

ways done business according to ethical and accepted standards, he said, and there was nothing in its conduct that could not be defended in court. To charges that the Schines kept competitors from getting pictures, Schine would say only that "naturally, we get pictures first, because we pay for them." He indicated that some of the Schine competitors had been able to drive such advantageous contracts with distributors after Schine contracts had been signed that he would be willing "to exchange with them."

Willard McKay, Schine chief counsel, with offices in New York, was in conference by telephone with Howard Antevil, head of the home office legal staff.

Off-the-record comment around the home office was to the effect that the Schines hoped the suit could be brought to trial quickly because the air of uncertainty and the potential threats it held "are the worst things about it."

Bobby Jones Fights Tax On \$156,200 Paid to Dad

Washington Bureau of THE FILM DAILY

Washington—Bobby Jones, former champion golfer, has filed an appeal with the U. S. Supreme Court protesting payment of income taxes on moneys received from Warners. Jones paid \$53,338.84 in taxes under protest on \$156,200 paid to his father, Robert T. Jones, Sr., by Warners in 1931 and 1933.

The money was paid to his father, Jones said, for work the golfer did in making a series of shorts for the movie company, and was turned over to the elder Jones under a 1931 agreement establishing a trust fund for the golf star's children.

Jones admits that the scheme was devised to decrease tax payments but insists it is legal because of a loophole in the law. Under the agreement, Jones gave his father exclusive rights to his services "as a motion picture actor" for six years for a payment of \$1,000 per year.

The golfer has been turned down by the Federal Court in Georgia and the U. S. Circuit Court of Appeals.

Harold Wendt Dead

Detroit—Harold Wendt, of Wilding Picture Productions, commercial film producers, died from a bullet wound. His mother survives.

Sweet "Oomph"

West Coast Bur., THE FILM DAILY
Burbank—Roger Phillips, candy manufacturer, flew here from Chicago for huddles with Ann Sheridan and Warner Bros. publicity department on his proposal to get out an "OOMPH" Candy Bar. Wants okay from actress and studio as well as permission to use her photograph on wrapper of bar. Deal is based on advance and royalties.

THE THEATER

By RICHARD WATTS Jr.

IT STRIKES me that when I go to see another film man without pretentiousness or side, that I am trying to write fan-magazine stuff. Nevertheless, it is the only way in which Disney can be described, and I think it is important to say so in a community ridden by phony pretentiousness, since the creator of Mickey Mouse, Donald Duck and "Snow White and the Seven Dwarfs" is the one person working out here who can with any justification be referred to as a genius. It is strange that in so many years of connection with stage and screen I had never before met Mr. Disney or visited his studio, and it is only fair for me to report that I was delighted with both. One of the most loathsome traits of Hollywood is its insistence on caste, and it is therefore all the more pleasant to find that the Walt Disney studio is a completely democratic community in which all the employees actually do seem to be fellow workers engaged in the pleasant manufacture of masterpieces. It is not my purpose, however, to write about a studio, or even about the conversation of the man responsible for the cinema's most definite works of art. I have something more pleasant to say. I have seen parts of "Pinocchio," the next full-length Disney film.

What I saw was a rough draft, without color and with intermittent synchronization and most of the characters merely sketched in. Yet, even from this somewhat primitive version of what is to come I can tell you that here is an authentic masterpiece in the making which already makes "Snow White and the Seven Dwarfs" look like a scratch-pad exercise. I should warn all of the critics who raved about the earlier work to start looking up new superlatives, for here is a thing that for really lovely imagination is far ahead of anything in its field. I should tell you, also, that it contains at least two new characters—in the persons of Jiminy, a cricket, and Figaro, a kitten—that join Dopey, Mickey and Donald in the rich field of the Disney imagination and will occupy a place with them in our modern folklore.

NEW YORK HERALD TRIBUNE.

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 27

NEW YORK, WEDNESDAY, AUGUST 9, 1939

TEN CENTS

AFA Application for Injunction Against AAAA Denied SHORTER, SIMPLIFIED CONTRACT OFFERED BY RKO Producers-IATSE in Tentative Five-Year Agreement

May Open for Immediate Negotiations on Wages, Hours

West Coast Bureau of THE FILM DAILY
Hollywood—Tentative agreement on a five-year contract between IATSE and motion picture producers was announced yesterday in a joint statement by John F. Gatelee, international representative of the IATSE, and Joseph M. Schenck, chairman of motion picture producers' negotiating committee.

Agreement covers those crafts which were under IATSE jurisdiction by terms of the so-called basic agreement. Contract embodying terms of this agreement is being drafted. Agreement arrived at
(Continued on Page 7)

S-W MAKING FURTHER PHILLY POLICY SHIFT

Philadelphia—Changes in theater policies and operation reached a peak yesterday when it became known that Stanley-Warner will institute another shift in downtown operating policy, effective Aug. 25.

At that time, the Earle, now playing the three-hour show policy, gets back its vaudeville, with the Fox,
(Continued on Page 13)

Conn. Theater Visibility Test Case to be Re-tried

New Haven—In a unanimous decision, the Supreme Court of Errors has defined the duty of a motion picture theater operator in the safety of patrons, especially in respect to light in the theater. Case of
(Continued on Page 8)

Para. May Lease, Not Sell, Some of Its London Houses

London (By Cable)—Stanton Griffiths, chairman of Paramount's executive committee, yesterday admitted that negotiations were under way
(Continued on Page 4)

Booth Projection for Television Near

London (By Cable)—An early advance in television projection in theaters is forecast by Capt. A. G. D. West of Baird Television who states that very soon it will be possible to project television images to the theater's screen from the projection booth, eliminating the necessity for a special staff to operate equipment located in the body of the theater. Operation will be in the hands of the regular operating staff, doing away with the two technicians now employed at theaters having the Baird tele installations. Regular operators would have to undergo a course of technical training.

Gulf States Business Quickens to Democracy Films and Westerns

By BILL SPECHT
FILM DAILY Staff Correspondent

New Orleans—Give 'em liberty or say it with shooting and the tinkling of coins across the b.o. window makes sweet music to the exhibitor's ear.

That, anyway, is the impression gained from watching the Gulf States of Louisiana, Mississippi and parts of Alabama and Florida.

Surveys there show that any mention of democracy and liberty in favorable terms can count on audience applause, as witness the speech in "Man of Conquest" and Juarez' definition of the difference between absolute monarchy and democracy in the Warner films.

Surveys also show that westerns are doing nicely, thank you, and that
(Continued on Page 8)

Exhibs. Sponsor Testimonial to "U" and Blumberg

Exhibitors' Sponsored Testimonial to New Universal and Prexy Nate Blumberg, embracing both the U. S. and Canada, has been launched with number of participating showmen already at the 1,000 mark, it was disclosed at a trade luncheon at the home office yesterday.

"U" is making available 14 new productions for the dating splurge during the testimonial period, which spans August, September and October, it was disclosed by Matthew Fox, vice-prexy.

Spyros Skouras, president of Na-
(Continued on Page 4)

AAAA Emerges Victor in Injunction Move; AE Suspends Harry Richman

Court Reserves Decision on Para. Suit Dismissal

Federal Judge Edward A. Conger reserved decision yesterday on an application of Paramount Pictures, Inc., to dismiss the stockholders suit of Frank Jablow and Samuel Acker which had asked for approx-
(Continued on Page 13)

By HOLLIS KENNAHAN
FILM DAILY Staff Writer

First decision in the battle between the AAAA and the IATSE-AFA coalition went to the 4 A's yesterday when New York Supreme Court Justice Edward J. McGoldrick denied the application of the AFA asking for a temporary injunction pending trial to restrain the AAAA
(Continued on Page 13)

Legal Language is Reduced In New RKO License Agree- ment Recently Completed

RKO apparently is the first major company to bow to the requests of exhibitors for a shorter and more simplified exhibition contract. The new license agreement for the 1939-40 program has been completed and printed and its text has been condensed and clarified as compared with the company's previous agreements. William S. Savage, of RKO's legal department, prepared the new pact.

While a few new clauses have been added, the old provisions have been re-written without the technical legal language so that they appear to be understandable to exhibitors or outsiders. It is believed by RKO execs. that the brevity of the clauses will be appreciated by exhibitors. For example,
(Continued on Page 4)

GOLDWYN TO RELEASE "RAFFLES" THRU UA

The question of whether United Artists would distribute Samuel Goldwyn's forthcoming picture, "Raffles," has been settled, with announcement yesterday that Goldwyn would release the picture through UA.

When Goldwyn was in New York
(Continued on Page 13)

Hearing on RKO Claims Will be Held on Friday

Petition was filed yesterday in the Federal Court by the Irving Trust Co., as trustee of RKO, for a hearing to fix certain claims filed
(Continued on Page 13)

First U. S. Tele Network To Start Operating in Fall?

First television network in America is expected to start operating in the Fall when RCA's Empire
(Continued on Page 7)

THE FILM DAILY

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat				
Col. Picts. vtc. (2 1/2%)				
Col. Picts. pfd.	26	26	26	1/4
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	11 1/4	11 1/4	11 1/4	1/4
East. Kodak	171	170 1/2	170 1/2	3/8
do pfd.				
Gen. Th. Eq.	11 3/8	11 3/8	11 3/8	
Loew's, Inc.	43 3/4	43 3/4	43 3/4	1/4
do pfd.				
Paramount	9 1/2	9 1/4	9 1/4	1/4
Paramount 1st pfd.				
Paramount 2nd pfd.	10 1/8	10 1/8	10 1/8	3/8
Pathe Film	12 1/2	11 1/2	12	5/8
RKO	17 1/8	17 1/8	17 1/8	1/8
20th Cent.-Fox				
20th Cent.-Fox pfd.				
Univ. Pict. pfd.	4 7/8	4 7/8	4 7/8	
Warner Bros.	4 7/8	4 7/8	4 7/8	
do pfd.	53	53	53	2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/4	100 1/4	100 1/4	
Loew's deb. 3 1/2s46	103 1/2	103 1/2	103 1/2	3/4
Par. B'way 3s55	50 1/8	50 1/8	50 1/8	1/2
Par. Picts. 6s55				
Par. Picts. cv. 3 1/4s47	91 1/8	91 1/8	91 1/8	
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	90 1/4	90	90 1/4	1/4

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 1/2	1 1/2	1 1/2	
Technicolor	15 3/4	15 1/4	15 3/4	1/4
Trans-Lux	1 1/4	1 1/4	1 1/4	1/4
Universal Corp. vtc.	3 3/8	3 3/8	3 3/8	1/8
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film, 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 1/4	4 5/8
Loew's Thea. Realty 6s 1st '47	100 3/4	102 1/4
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	65 1/2	67 1/2

SAFETY LLOYDS

FILM STORAGE CORP.

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New York City
BRyant 9-5600

SECURITY

Opera Under the Stars Sues Para. for \$100,000

Opera Under The Stars, Inc., filed suit yesterday in the New York Supreme Court against Paramount Pictures, Inc., and asked for \$100,000 damages and an injunction. Plaintiff charged the defendant with producing, or being about to produce, the picture taken from a dramatic and musical work entitled "Un Homme en Habit" (A Man in Dress Clothes).

Plaintiff asserts that it owns all rights to the work and that it has not licensed or sold rights to the work to Paramount. An answer has been filed by Paramount generally denying allegations of the complaint. On Aug. 14 plaintiff will apply to the Supreme Court for an order directing Norman Collyer, as assistant secretary of Paramount, to testify before trial.

Engineers' Institute For Television Field

Television Engineers' Institute of America is being organized as a national, technical organization to embrace both tele and facsimile. Offices will be maintained in this city, Hollywood and Washington. Organizer of the new society is George H. Seward, prexy of the Hollywood Television Society.

Local sections will be authorized in any state or locality where the active, fellowman honorary membership exceeds 20. Membership applications include a pledge of allegiance to the U. S.

"Four Feathers" Sixth Day Ahead of Capitol Opening

Business of Korda's "Four Feathers" at the Capitol yesterday ran ahead of the opening day's "take" by approximately \$1,000, it was reported by UA last night. In point of admissions, matinee biz yesterday—the pix's sixth—was 1,100 better than on the first day.

New Distributing Firm

Albany — Transatlantic Distributors, Inc., has been chartered to deal in motion pictures, papers filed with the Secretary of State reveal. Capital stock authorized is \$20,000, shares valued at \$200 a piece. Subscribers are Saul Bernstein, Milton Lowenthal and Anna Schwartz, 250 West 57th St., papers filed by Counsel Irwin Bekenken, 250 West 57th St., New York.

Wanger Elected to AMPP

Hollywood—Walter Wanger, head of Walter Wanger Productions, has been elected a member of the Association of M. P. Producers.

"U" Renews Koster's Pact

Hollywood—Universal has renewed Henry Koster's contract.

Griffiths Name Slocum as Partner In El Reno

Oklahoma City—E. R. Slocum, recently owner of the El Caro theater at El Reno, and formerly with the Griffith Amusement Co. as a district manager, has been named partner and manager of the Griffith organization for El Reno, following purchase of the El Caro by the Griffith organization, which now gives the circuit four theaters in the town: the Royal, Empress, Criterion and El Caro.

A number of other changes in managerships have also been announced by Griffith officials. Kenneth Blackledge, formerly manager at El Reno has been named new city manager at Okmulgee where the circuit has the Orpheum and Yale theaters; Turner Morrisett, city manager at Claremore, Okla., has resigned and Calvin Council, formerly city manager at Wellington, Texas has been moved to Claremore as city manager.

W. L. Lusk, city manager at Sunray, Texas has been appointed city manager at Wellington, succeeding Council and Charles Oliver, former assistant manager at Pampa, Texas has been named city manager at Sunray, Texas.

Hutchinson Going to Coast for Product Conferences

Walter J. Hutchinson, director of foreign distribution for 20th-Fox, leaves for the Coast next week for conferences on new product with studio execs. and Herman Wobber, general manager of distribution. Hutchinson will also look at a number of new films, either completed or nearing completion.

He expects to stay in Hollywood about a week. It is pointed out by execs. of the company that its new season product lineup has the strongest potential drawing power in foreign markets that it has ever had, with "Stanley And Livingstone" and "The Rains Came" two of the films they expect to set new foreign revenue records.

W. Va. Unit to Meet

White Sulphur Springs, W. Va.—Fifth annual convention of the West Virginia Managers Association will be held at the Greenbrier Hotel here Aug. 30-31. J. C. Shanklin is convention chairman; S. J. Hyman, association's prexy.

"U" Signs Marlene Dietrich

Hollywood—Universal has signed Marlene Dietrich to play opposite James Stewart in "Destry Rides Again," which Joe Pasternak will produce with George E. Marshall directing. Production starts Aug. 28.

First Giveaway In N. Ky.

Newport, Ky.—The Hippodrome has inaugurated a cash giveaway, being the first house in northern Kentucky to do so.

COMING AND GOING

HARRY M. WARNER sails for Europe today the Queen Mary accompanied by MRS. WARNER.

WALTER J. HUTCHINSON, director of eign distribution for 20th-Fox, goes to Coast next week to confer with studio exec and look at new product.

J. ROBERT RUBIN and MRS. RUBIN sail England today on the Queen Mary.

MAX MILDNER, Warners' managing director Great Britain, is also an outgoing passenger the English ship.

ARTHUR W. EDDY and MRS. EDDY start to the Coast today by motor.

DENNIS WRATTEN and WILLIAM WESTPHAL respectively Eastman's chief motion picture technician for Europe and sales manager of motion picture division for Continental Euro sail today on the Washington for England.

L. W. CONROW, Altec president, BERT SAFFORD, JR., district manager, G. L. CARRINGTON, vice-president and general manager, STANLEY HAND, staff representative, have turned to the home office after trips to different territories.

LOUIS SILVERS, 20th-Fox musical director leaves for the Coast today. He has been stopping at the Waldorf Towers.

S. MIXSON, Florida exhib., and GENE PILEY, Indiana exhib., were visitors this week Paramount's World's Fair Lounge in the home office.

RICHARD LUTTER, Milwaukee exhib., MAYWORM, also a Milwaukee exhib., STANLEY STASKEVITCH, Hollywood Theater, Hollywood, HENRY STEFANIK, California exhib., FRANK KING, Ohio exhib., WILLIAM H. RIPPARD, Virginia exhib., and DAN R. WILKINSON, also Va. exhib., were visitors this week at the RKO Lounge.

WILLIAM SISTRUM, RKO exec. in England, here for a visit.

THOMAS G. SOMERMEIR, JR. and his wife are at the Sherry Netherland.

MAX GORDON is here from the Coast. expects to return to Hollywood today.

RALPH MORGAN, BINNIE BARNES, JEAN MUIR, MISCHA AUER, EDWARD ARNOLD, L. CILLE GLEASON, HENRY HULL, WAYNE MORIS, OLIVIA DE HAVILLAND and LARRY STEAR arrive from the Coast today by plane to attend the A F of L council meeting in Atlantic City tomorrow.

KEN THOMSON, executive of SAG, arrived yesterday by plane.

HERBERT J. YATES and GENE AUTRY are Ireland.

New Md. Censor Board

Baltimore—The new lineup of the Maryland State Board of Motion Pictures Censors is George Mitchell, chairman; Holmes M. Alexander, vice-chairman; Marie V. Pressman, secretary and Helen J. Odom, chief clerk.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 9

Charles Farrell
Dorothy Jordan
Gerrit Lloyd
Fred Newmeyer
Ed Schwartz

FOUR FEATHERS

"In spite of all competition, there's no getting around it; the Capitol has the biggest and best show in town!" —New York Times



"The Capitol has a stupendous hit this week!" —Daily Mirror

FOUR FEATHERS



Twentieth Century-Fox presents
Darryl F. Zanuck's Production of

STANLEY and LIVINGSTONE

starring

SPENCER TRACY
with
PATRICIA KELLY • RICHARD GREENE
ER BRENNAN • CHARLES COBURN • HENRY HULL
SIR CEDRIC HARDWICKE • HENRY TRAVERS
Directed by Henry King

Executive Producer Kenneth Macgowan • Screen Play by Philip Dunne and Julien
Fleppin • Historical Research and Story Outline by Hal Long and Sam Hellman

WORLD PREMIERE TOMORROW
Doors open at 11:00 A. M.

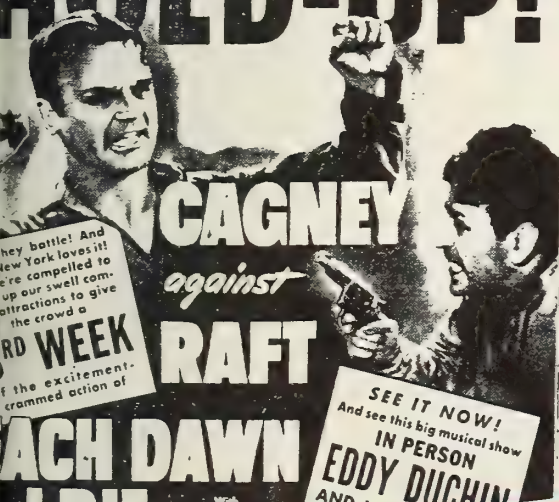
AT THE AIR-COOLED

ANY DAY
ANY SEAT
1 P.M. **25¢ ROXY** CHILDREN
UNDER 12
ALW 15¢

SHOW VALUE OF THE NATION • 7th Ave. & 50th St.

OH! WHAT A

HOLD-UP!



they battle! And
New York loves it!
we're compelled to
up our swell com-
attractions to give
the crowd a
RD WEEK
of the excitement-
grammed action of

RAFT
EACH DAWN
I DIE

With JANE BRYAN
GEO. BANICOFF
by WM. KEIGHLEY • Presentation

Open 9 A.M. STR
FEATURE 12:30 A.M.

mandi
BRIAN
AHERR
MER

Feature at 1:32, 3:39, 5:46, 7:53, & 10 P.M. • MAT. 35¢ EVES. 55¢

"YEAH...BEAU!"

Miss New York has a new Beau! Father Knickerbocker has a new buddy...and he's Gary Cooper in the grandest of all the outdoor action adventure romances to hit Broadway this year...Paramount's new "Beau Geste." Couple this with the huge in person show, starting Phil Spitalny and his famous "Hour of Charm" All-Girl Orchestra, and you know why the whole town's saying... "the Paramount's done it again...they've got the biggest show in town."



GARY COOPER
in "Beau Geste"

GARY COOPER
in Paramount's new
"BEAU GESTE"
with
Ray Milland • Robert Preston
Brian Donlevy • Susan Hayward
Produced & Directed by William A. Wellman

IN PERSON
PHIL
SPITALNY
and his World Famous
ALL-GIRL ORCHESTRA
presenting
"The Hour of Charm"

Alexander
Korda's

FOUR FEATHERS

in
Technicolor

NEW YORK, Capitol—Held Over after biggest first week in 6 months.
CINCINNATI, RKO Albee—Smash first week brings move-over to Lyric.
TORONTO, Uptown—Set for third week following new house record.
ROCHESTER, Loew's Rochester—Biggest U. A. opening in over two years.
ASBURY PARK, Mayfair—Held over second week after new season high.
PROVIDENCE, Loew's State—Hits 174% of average. Moves over to Carlton.

COOL
LOEW'S
CALL BRYANT 9-7800 FOR TIME OF SHOWS

COOL
PALACE 8th Ave. & 47th St. NOW
SONJA HENIE-TYRONE POWER
RUDY VALLEE in IRVING BERLIN'S
"SECOND FIDDLE"
SIDIG GURIE "FORGOTTEN WOMAN"

★ ★ ★ 1/2 ★ ★ ★ Daily News
CLIVE BROOK in
The WARE CASE
Little CARNEGIE 57 St. East of 7th Ave.

2nd International
FILM FESTIVAL
Two Mexican Prize Films
PAUL STRAND'S "THE WAVE"
also "ADVENTURES OF CHICO"
5th Ave. Playhouse 66 FIFTH AVE.
(AIR-COOLED) Cont. from 1 P.M. at 12-7661

ormandie PARK AVE. at 53rd St.
CLAUDETTE COLBERT JAMES STEWART
"IT'S A WONDERFUL WORLD"
WED. & THURS.: "THE GOOD FAIRY"

PLAYHOUSE—52 West 8th St.
Priscilla Claude May
LANE • RAINS • ROBSON
"Daughters Courageous"
Beg. Tom'w: G. Rogers 'Bachelor Mother'

via BROADWAY & 95th ST.
AIR-CONDITIONED—AC-2-3370

PLAZA
LAURE
Ralph Richard
CLOUDS
Shown at 12
NEW R
Noon to 6 P

68th ST. P
"TH
"WI
Tom'w: 'ALGIERS'

B
PARAM
JAMES CAG
in "EAC
CLAUDE RAI
(Story
Bert Wheel

ANN SHERI
GALE PAGE
"INDIANA
JOHN HOWAR
'GRAND JURY
SECRETS'

cool

GOODBYE MR. CHIPS

starring Robert Donat with Greer Garson.
A Metro-Goldwyn-Mayer Hit • Directed by Sam Wood

13th BIG • COOL **ASTOR**
Broadway and 45th Street

LICENSE AGREEMENT OF RKO SIMPLIFIED

(Continued from Page 1)

the clause dealing with "clearance and run" formerly ran 40 lines; these issues are covered in three lines in the new contract. The "roadshow" provisions of the new pact have been written in 13 lines, whereas 26 lines formerly were needed to cover this subject. One clause dealing with release dates has been cut from 15 lines to less than a line and a half. In addition, the entire contract has been printed in larger type.

Term of Contract Shortened

Beginning with the new season, RKO's contracts will cover a 12-month period instead of 15 months as formerly. In other words, the agreement does not license the exhibition of any picture which shall have been designated as other than a 1939-40 picture or whose date of general release by the distributor in the U. S. shall not have been between Sept. 1, 1939, and Aug. 31, 1940, inclusive.

The new contract gives RKO the right to designate certain pictures on its lineup to be shown only on a single feature program. However, the distributor agrees not to designate more than five of such pictures out of the entire season's product.

Tax Clause Added

Where state sales taxes are in effect, the new contract requires the exhibitor to pay the levy to the distributor upon demand. This clause was inserted because in many cases, especially in New York, exhibitors refused to pay the tax and the distributors were forced to pay the assessment, themselves.

A new clause covering percentage bookings requires exhibitors to hold the distributor's share of the gross receipts in trust and apart from other money and "to pay over such trust funds daily, if so requested."

The other clauses have been modified, clarified or changed so that their provisions can be more easily understood. Production numbers have been eliminated and the program is referred to by titles or groups.

No reference to the proposed Trade Practice Code is made in the new agreement, but it is understood that if and when adopted, a rider will be attached to the contract.

Para. May Lease, Not Sell, Some of Its London Houses

(Continued from Page 1)

for the lease of several Paramount theaters in London to an English circuit. David Rose, Paramount executive here, said that the matter was before the lawyers.

While Griffiths would not name the circuit with which Paramount is negotiating, it is understood generally that the deal, if completed, will be with the Odeon group.

ALONG THE



WITH PHIL M. DALY

● ● ● OVER on Universal's side of the town yesterday..... Matty Fox garnered the trade press in Prexy Nate Blumberg's air-conditioned office.....for luncheon and an informal chat.....Matty thanked the press for its confidence and co-operation.....and spilled a few bits of interesting info.....*THAT* approximately a thousand exhibs. already had demonstrated their confidence in the New Universal and Blumberg.....by enrolling for a Testimonial Drive under such chiefs as Spyros Skouras, N. L. Nathanson and Mort Singer.....*THAT* more playdates and more bookings of Universal pictures during August, September and October is the objective in an effort to manifest exhibitor appreciation and confidence.....*THAT* Universal will have 14 features ready for distribution during the three months.....*THAT* the policy was, is and always will be "by the exhibitors, for the exhibitors, headed by exhibition men".....

● ● ● FURTHER.....*THAT* the company depends on exhibitors.....not only for bookings but for assistance in production.....*THAT* each morning on the "U" lot.....the entire executive committee convenes at eight a.m.....with all department heads to discuss the work of yesterday and the present day.....*THAT* credits on all productions go directly to the actual producers.....and not to company execs. far removed from actual production.....*THAT* "U" is planning an extensive campaign in the trade press for the trade.....with an even greater campaign to the public to follow.....*THAT* Fox believes the trade must be well informed before the public is "SOLD".....(Editor's Note: Sounds mighty good to us).....*THAT* the New "U" is really going places, and no foolin'.....

● ● ● TWAS Eastman Day at the Lotus Club yesterday in a manner of speaking.....J. E. Brulatour, Bill German and Charlie Bonn.....tendered a luncheon to visiting Kodak dignitaries.....Among those present were.....Prexy Frank W. Lovejoy, William Webb, assistant general manager for Europe; William Westphal, sales manager of the motion picture division for Continental Europe; Denis Written, chief motion picture technician for Europe.....Armand Balzer, general manager for South America; Ted Curtis, sales manager, motion picture department.....Also Dick Brady, C. E. Snow, Ed McDermott, Thomas Roberts, George Sackett and Don Hyndman of the local offices.....plus Max Gumpel, of Denham Laboratories; Lowell Calvert, Tom Walker, Floyd Weber, Ed Hattrick.....Charles Prutzman, Frank Meyer, D. Collins, J. Siegel.....E. D. Kelly, Al Altman, John Wood, John Wingerter, E. I. Sponable, Jack Goetz.....

● ● ● JOSEPH R. VOGEL, during his nearly 30 years with Loew's, has held many jobs.....from usher at the Old Palace in Brooklyn.....to vice-president of some of Loew's important subsidiary companies.....to helping build theaters in South Africa and Australia.....to running Loew's out of town circuit.....*BUT* J. R. V. has just taken on something new.....and different! It's a temporary side-line.....that promises pleasure with business. Vogel's odd, self-given assignment is to help pilot those frisky young M-G-M stars, Judy Garland and Mickey Rooney on their eastern tour.....he leaves for Washington to meet the duo Wednesday.....

● ● ● A DOFF of the hat.....to Madeleine White.....secretary of Monogram and Ray Johnston's personal secretary.....because "Mad" yesterday celebrated her 18th anniversary.....as Johnston's right-hand girl....."Mad" started with Ray 'way back.....in the days of Arrow Film Corp.....

EXHIBITORS SPONSOR TESTIMONIAL TO "U"

(Continued from Page 1)

tional Theaters, heads the testimonial move as national chairman, with N. L. Nathanson, president of Famous Players Canadian, functioning as Dominion chairman. Mort H. Singer, of Chicago, is Mid-Western chairman.

Pix for the testimonial period were given as:

"When Tomorrow Comes" with Irene Dunne, Charles Boyer, Barbara O'Neil. Produced and directed by John M. Stahl; "The Underpup" with Robert Cummings, Nan Grey, Gloria Jean. Director, Richard Wallace; producer, Joe Pasternak; "First Love" with Deanna Durbin, Helen Parrish, Robert Stack. Director, Henry Koster; producer, Joe Pasternak; "Rio" with Sigrid Gurie, Basil Rathbone, Victor McLaglen. Director, John Brahm. (Untitled feature) with Jackie Cooper, Freddie Bartholomew, Alan Dinehart. Director, Joseph Santley; Associate Producer, Burt Kelly. "Hawaiian Nights" with Johnny Downs, Mary Carlisle, Constance Moore. Director, Albert S. Rogell. Associate Producer, Max H. Golden.

"Tower of London" with Basil Rathbone, Boris Karloff, Nan Grey. Produced and directed by Rowland V. Lee; "South of the Amazon" (tentative title) with Douglas Fairbanks, Jr. and Joan Bennett. Director, James Whale; "Hello Stranger" (tentative title) with Baby Sandy, Hugh Herbert, produced and directed by Charles Lamont; "Destry Rides Again" with James Stewart and Mischa Auer; director, George Marshall; producer, Joe Pasternak.

"The Invisible Man Returns" with Sir Cedric Hardwicke; director, Joe May; "Call a Messenger" with Billy Hallop, Huntz Hall, Mary Carlisle; director, Arthur Lubin; associate producer, Ken Goldsmith; "One Hour to Live" (tentative title) with Charles Bickford, Doris Nolan; director, Harold Schuster; "Listen Kids"; produced and directed by Albert S. Rogell.

Schulberg Acquires Story

West Coast Bureau of THE FILM DAILY

Hollywood—B. P. Schulberg has bought the rights to "The Middle Window," best seller by Elizabeth Goudge, and is completing the script for immediate production. The story, laid in England and Scotland, is told in two periods of time, and is based on an old Scotch legend.

Turrou Talks New Deals

West Coast Bureau of THE FILM DAILY

Hollywood—Leon G. Turrou, former G-man who authored Warners' "Confessions of a Nazi Spy," has writing deals and a technical adviser job pending at Warners and other studios. Turrou has just returned from London and Paris.

THE STORY OF

PRE-SELLING

Golden
Boy

here's how →

THIS WEEK MAGAZINE

Full-color ad in This Week Magazine, with a circulation of six million, will hit every important newspaper in the country. Here is real direct-to-the-consumer merchandising, backed up by all the resources of the magazine.

THE AMERICAN WEEKLY

With a circulation of fifteen million, blanketing the country to the benefit of every exhibitor.

ADS IN ALL FAN MAGAZINES

Including: Modern Screen, Screenland, Silver Screen, Screen Romances, Hollywood Magazine, Screen Book, Motion Picture Magazine, Movie Story Magazine, Movie Mirror, Photoplay, Picture Play, Modern Movie, Movie Life, Personal Romances, Screen Guide.

NATIONAL NEWSPAPER ADS

Spotted in key cities and carefully planned to benefit every type of theatre.

SUNDAY MIRROR MAGAZINE

A full-page ad in this important medium, with a circulation that hits every part of the country.

MAGIC KEY—GOLDEN BOY BROADCAST

One of the most popular programs on the air will dedicate its program on Monday, September fourth, to "GOLDEN BOY" with one of the most unusual presentations ever conceived for a radio show.

GOLDEN BOY

starring

**BARBARA ADOLPHE WILLIAM
STANWYCK * MENJOU * HOLDEN**

A ROUBEN MAMOULIAN PRODUCTION • Produced by WILLIAM PERLBERG

Screen play by Lewis Meltzer, Daniel Taradash, Sarah Y. Mason, Victor Heerman

Based upon the Group Theatre play by CLIFFORD ODETS

A Columbia Picture



PRODUCERS-IA REACH TENTATIVE AGREEMENT

(Continued from Page 1)

leaves the way open for immediate negotiation on hours, wages and working conditions in crafts covered by the tentative agreement.

Schenck reiterated his statement that negotiations with IATSE representatives do not involve the status of any other contract with studio employe organizations. At a conference called yesterday by William R. Walsh, senior NLRB counsel, Aug. 16 was tentatively set as the day for hearing petitions of IATSE and USTG, each of which seeks to be named exclusive bargaining representative for studio workers.

The Los Angeles Central Labor Council sent a resolution to the A F of L executive council calling for authorization for a strike of studio union workers to combat "CIO invasion" of motion picture industry by USTG.

IA officials declared the tentative agreement reached between IA and producers provides for the return of closed shop to IA crafts. This move was predicted on Aug. 1 in THE FILM DAILY.

Acting chairman Howard S. Robertson of the USTG, said his organization and the NLRB at a meeting yesterday waived a formal 5-day notice in order to bring about an immediate election, but that IA refused to waive this period. He declared that the tentative agreement between IA and the producers violates both the spirit and the letter of the Wagner Act. He characterized the tentative agreement as a maneuver "to herd the workers back into the company dominated by the IATSE."

"We expect," he continued, "to get a real contract for the men and believe that with the aid of all right-thinking people we will succeed in our efforts to permit the processes of law to go forward to an election under supervision of the U. S. Government."

It was learned yesterday that the USTG does not seek jurisdiction over members of the American Society of Cinematographers.

Colored Va. Fishery Films

Newport News, Va. — A color print on the first of a series of color films made under the supervision of G. Walter Mapp of the Commission of Fisheries for Virginia has been shipped to New York for national distribution. The picture is the first of a series of one-reelers, directed by Bruce Coleman with a special color process of his invention.

"Chips," Detroit Record

Detroit—"Goodbye, Mr. Chips" is being held over at the Michigan, setting a house record, according to the management, as the first picture ever to go a second week at UDT's ace house.

A "Little" from "Lots"

By RALPH WILK

Chertok on Features Too

JACK CHERTOK, M-G-M's short subject producer, will make three features yearly under a new contract. It is possible that Chertok's feature assignments may be increased upon the completion of the three pictures.

"Of Mice and Men" to Start

Monday has been set by Hal Roach as the starting date on his production of John Steinbeck's "Of Mice and Men." Under the direction of Lewis Milestone and with Frank Ross, executive vice-president of the Hal Roach Studios, as associate producer, "Of Mice and Men" will have Burgess Meredith in the part of George, Lon Chaney, Jr. as Lennie, and Betty Field in the leading feminine role.

Zanuck Shifts Stars

At 20th-Fox, Darryl Zanuck is shifting his stars to meet the heavy production schedule set for September when seven new pictures will be put before the cameras at the studio. Nancy Kelly, who was to have played opposite Don Ameche in "Swanee River," a Technicolor production, will have the lead opposite Tyrone Power in "Johnny Apollo" and Andrea Leeds has been borrowed from Samuel Goldwyn for the role in "Swanee River." Linda Darnell will not be in "Johnny Apollo" as

previously announced but will be given another important assignment.

Priscilla Lane with Raft

Priscilla Lane has been set by Warners to play the feminine lead opposite George Raft in "The Patent Leather Kid." Raft may do this fight story upon his return from European trip, instead of pairing with James Cagney for Warden Lewis E. Lawe's story, "Invisible Stripes."

Lesser to Base at S-I

Sol Lesser yesterday took the first step towards the United Artists release of his forthcoming productions. He signed a contract with Selznick International whereby he will house his company and shoot all his UA releases at the Culver City Studios.

Milland In Henie Pix

In preparation for the start of the next Sonja Henie starring vehicle, "Everything Happens at Night," Darryl F. Zanuck, production chief at 20th Century-Fox, announced today that Ray Milland had been signed for one of the major roles in the picture. The picture is scheduled to get under way in mid-September.

Henaghan at Retsama

Len Smith, publicity and exploitation director for Retsama Film Productions, has added James P. Henaghan to his staff.

New Haven Industryites Stage Outing Tomorrow

New Haven—The film district is making plans for a full day at the annual district outing tomorrow at Rustic Inn, Lake Quonnipaug, with afternoon and evening crowded with activities in the great outdoors. Buffet luncheon will start off the day, followed by swimming in the lake, a distributor-exhibitor baseball game, tug-of-war, 3-legged race, row boat race, pie-eating contest, shot put, peanut race, horse shoe pitching, and other contests.

A full course chicken dinner will be served in the lodge, after which there will be dancing, dance contests, and award of prizes. Morris Joseph, Universal exchange manager, will distribute the prizes. Committee in charge is headed by Homer C. Downey of RKO, assisted by Jack Mullen, George Weber, Jerry Massimo, Irving Cooper, Peter Canelli, Katherine Fitzgerald, Katherine Higgins and Freda Kogan.

Toronto Industry Tourney

Toronto — Under sponsorship of the the Film Section of the Toronto Board of Trade, a golf tournament will be held on Aug. 14 at the Oakdale Golf Club.

Irish Fans Give Autry Tremendous Reception

A tremendous reception was accorded Gene Autry, Republic's singing cowboy star, upon his arrival in Ireland, according to a cable received at the home office yesterday from Herbert J. Yates, who is accompanying Autry on his European tour. Opening of a new Autry film at the Royal Cinema in Dublin attracted a crowd that had to be restrained by the police as the star made a personal appearance, it was said. Autry appeared at the Dublin horse show.

Windsor Theater Sold

Windsor, Conn. — The 500-seat Windsor Theater, formerly operated by Nathan Lampert, has been purchased by Arthur Lockwood of Middletown and Sam Rosen of New Haven, and will be closed for renovation. Lampert retains an interest in the operation of the theater, by the new corporation, The Lampert Theater of Windsor, Inc., of which the incorporators are Arthur Lockwood, Nathan Lampert and Mignon Clark of New Haven. The Max Shulman interests of Hartford have begun construction of a new theater in the center of the town.

JUDELL STARTS FIRST FOR 1939-40 MONDAY

West Coast Bureau of THE FILM DAILY

Hollywood—With a program of 60 pix planned for 1939-40, Producers Pictures, headed by Ben Judell, will send the first, "Torture Ship," before the cameras next Monday. Also being readied for October release are, "The Sagebrush Family Trails West," "Hitler—Beast of Berlin," "Wanted for Murder," and "The Man from Oklahoma."

Breakdown of the 60 shows 9 Four-Star Specials, 4 melodramas based on stories by Jack London, a series of 8 "Tales of Billy the Kid" westerns, featuring George Houston, 23 action, mystery and horror melodramas, eight "frontier marshal" westerns, starring Tim McCoy, and 8 of "The Sagebrush Family" series, featuring Bobby Clark, junior cowboy champ.

Titles of the 9 Four-Star Specials are, "Hitler—Beast of Berlin," "End of the Road," "Dope," "Youth on Trial," "Sins of the Parents," "Brigham Young—Utah Miracle Man," "Gold Star Mothers," and "20,000 Leagues Under the Sea" and "The Mysterious Island," both from the stories by Jules Verne.

Productions to be based on the Jack London stories are, "Torture Ship," "Wolf Dog of the North," and two others to be announced.

The 23 melodramas are, "Wanted for Murder," "Arson Squad," "The Devil Bat," "Police Woman," "Chinatown Patrol," "Air Base Murders," "Queen of the Underworld," "The Monster's Bride," "Rescue Ship," "Shanghai Passage," "Radio Police," "Special Duty," "Mysterv Express," "Voice of the Dead," "Chain Gang," "Murder on Parole," "Mercy Plane," "Gorilla at Large," "Calling All Leathernecks," "Buried Alive," "Hot Cargo," "The Fighting Marines," and "Fire Fighters."

First U. S. Tele Network To Start Operating in Fall?

(Continued from Page 1)

State Bldg. station and General Electric's Schenectady station are linked. Engineers have been quietly working on the plan, and the first link of the expected network will probably be set by November.

General Electric is expected to feed outdoor programs to the New York station, with RCA-NBC expected to feed GE with live talent and film shows.

John E. Otterson's Radio Wire Television Corp. of America may possibly form a second tele network, using a form of wired radio.

Reopen Mikado, St. Louis

St. Louis—The Mikado Theater, a St. Louis Amusement Co. unit, which has been closed since early in May will be reopened on Saturday, following the completion of a \$50,000 remodeling, redecorating and refurbishing program.

Gulf States Biz Quickens to Democracy and Westerns

Fast-Moving Action Based on Headlines Also Helping B. O.

(Continued from Page 1)

when they are made with money and casts, and dignified by the name of epic, they do smash biz.

A very unbiased observer, in that his company did not make the film, declares that to his knowledge "Jesse James" has been doing anywhere from 100 to 150 per cent more business for his houses. To this must be added the fact that "Union Pacific," the "Oklahoma Kid," "Stagecoach," "Dodge City" all show remarkable records.

Observers believe, however, that there are enough super-westerns at present to care for this demand and look to another cycle. They believe the glories of democracy will be good for some time yet and then that another trend will manifest itself. No one, however, is sticking his chin out on what it will be, though the success of "Man About Town" is causing some to wonder whether musicals may not be on the way back in some form or other. To date the films that say it with song are definitely not at the height of their popularity, with exhibitors declaring that most of them are poison.

"Second Fiddle" did a remarkable business in New Orleans, but the presence of the local honey, Mary Healy, therein, is given credit for that more than anything else.

Another trend which seems to be holding up is toward fast-moving action based on headlines. Warner Bros. evidently is correct about this for films based on big news events and "interesques" growing out of them have been good box-office. At present it would appear that there is little room for introspective drama in the smaller towns and that fast-moving product has the edge. The bigger spots are welcoming such nonsensical comedy as "Good Girls Go to Paris."

Exhibitors at present complain that there is not enough of good short product but are rather vague as to what they want in this direction. Business has been off, probably due to Summer, with threats of crop failures in north Mississippi and north Louisiana painting an unpleasant picture for the coming Fall.

Premiums continue to be given, though they are losing their drawing power and money giveaways have invaded the hitherto sacrosanct era of New Orleans' downtown area with two unimportant houses giving a joint prize.

Robertson Adds Two

Columbus, O. — John Robertson, operator of houses in Bainbridge and Osborn, has acquired leases on two more, the Linda, Shawnee, and the Delwyn, New Straitsville. The Linda, to be renamed the Shawnee, was formerly operated by Elias Hatem, and the Delwyn by Chris Davey.

Warners Set Five Vehicles for Cagney

West Coast Bureau of THE FILM DAILY

Burbank—Warners now have five pix lined up for James Cagney, to follow "The Roaring Twenties," which he is now making. They are, "The Fighting 69th"; "John Paul Jones," biographical picture; "Invisible Stripes," Warden Lewis E. Lawes' story of paroled convicts; "The City of Iron Men," story of the Seamen's Institute in New York City, by Theodore Reeves; and "Two Sons," by John Fante and Ross Wills. In "The Fighting 69th" and "Two Sons," Cagney will be paired with Pat O'Brien, while in "Invisible Stripes" he will be teamed with George Raft.

U. S. Pix May Get Play in German "Protectorate"

Berlin (By Cable)—That more American films may be shown in Germany's "Protectorate" — Bohemia and Moravia—than are permitted entry into Germany itself, is a possibility forecast by the American Commercial Attache here despite the fact that the ban on entry into Germany extends also to the "Protectorate." The Attache also anticipates the showing of more Italian films in the "Protectorate" as they are now being pushed according to the terms of the German-Italian film agreement.

While it is not yet definitely decided which American companies will be permitted to continue operating in the "Protectorate," it is held probable that they will be limited to the three companies now represented in Germany.

Number of films to be produced in the "Protectorate" during the current year is 35, compared to 41 in 1938. Total number of films to be shown this year is about 200 as against 318 in 1938. Chief reason for the decrease is the drop in American pictures from 180 last year to 70 this year. German films will double the number shown last year, rising from 40 to 70.

Horn Fined Second Time

Rehoboth, Del.—Charles S. Horn, proprietor of the Blue Hen theater here, paid his second consecutive fine this week for operating on the Sabbath. Appearing before Magistrate I. L. Thompson on the complaint of Deputy Attorney General O. Daniel G. Layton, Horn was fined \$4. It was reported that the Attorney General's office may study the possibilities of a court action to enjoin the Blue Hen theater from Sabbath operation.

Knoepfle Heads New Club

Cincinnati — Rudy Knoepfle, Republican, was elected prexy; Metro's John Allen, vice-president; and Pete Nilan, secretary-treasurer, of the newly organized social club for salesmen. The club will meet Aug. 20, at the Cincy Variety Club, to decide on a permanent name.

Col. Signs De LaVarre

Andre de LaVarre has been signed by Columbia to produce six Columbia Tours for release during the 1939-40 season, it was announced today.

Warner Theater Managers at Capital Zone Parley

Washington Bureau of THE FILM DAILY

Washington — John J. Payette, General Zone Manager for Warner Theaters in the Washington territory, held his annual meeting with all managers yesterday at the Mayflower Hotel.

Robert Smeltzer, district manager of Warners, discussed the coming Warner Bros. product. Attractions from other major producers were outlined by Frank La Falce, advertising head. Executives who also spoke were George A. Crouch, assistant zone manager; Guy Wonders, Maryland district manager; Nat Glasser, Virginia district manager; A. Julian Brylawski, in charge of Real Estate; C. E. McGowan, contact manager; Louis Ribnitzski, booker; J. Alton Pratt and Walter Pettus, in charge of projection and sound, respectively. The entire personnel will go on an outing today at Annapolis Roads, Md. Managers of all film exchanges in Washington will also attend the outing as guests of Payette.

Managers assembled here include: Fred Thomas, Earle, Washington; Charles Grimes, Metropolitan, Washington; Robert Etris, Ambassador, Washington; James Glennon, Apollo, Washington; Theodore Lonnemeyer, Avalon, Washington; Nelson Smith, Avenue Grand, Washington; Alan Bachrach, Calvert, Washington; Maynard Madden, Central, Washington; Sidney Hoffman, Colony, Washington; Ernest Wells, Home, Washington; Claude Land, Kennedy, Washington; Henry Coon, Penn, Washington; Le Roy Sherman, Savoy, Washington; Raymond Burch, Seco, Washington; Lawrence Snoots, Sheridan, Washington; Fred MacMillan, Silver, Silver Spring, Md.; Wm. Cleveland, Takoma, Washington; James Root, Tivoli, Washington; Walter Cersley, Uptown, Washington; Earl Heatwole, York, Washington; Rodney Collier, Stanley, Baltimore; Ted Crowther, Opera House, Frederick; Jack Forney, Tivoli, Frederick; Joseph Cumiskey, Academy Hagerstown; George Payette, Maryland, Hagerstown, Lou Kusner, Apollo, Martinsburg; Henry Clark, Arcade, Waynesboro; C. H. McKinney, Masonic, Clifton Forge; Don Nichols, Virginia, Harrisonburg; Ralph Daves, State, Lexington; Frank Shaffer, Dixie and Strand, Staunton, and Lamar Keen, Capitol, Winchester.

THEATER VISIBILITY CASE TO BE RE-TRIED

(Continued from Page 1)

Frances Miller vs. Poli's New England Theaters, Inc., originally brought in the Common Pleas Court involved a fall and injuries on leaving a seat which was on a platform 7½ inches above the aisle, in the Loew-Palace, Waterbury. The patron obtained judgment in the amount of \$643 and Poli's appealed the case to the highest court in the State, which has found error in the earlier decision and ordered a new trial. Morris Mendelsohn, attorney at the New Haven division office, represented the appellant.

When the patron entered she found her seat unaided by an usher and the red and blue lights then lit were the same as when she started to leave and constituted the usual diffused lighting in a theater during projection. The Court defines the duty of the theater "to use reasonable care in the construction, equipment and management of the theater, having regard to the character of the entertainment given and the customary conduct of the persons attending." The Judges point out that "to provide too much light would spoil the entertainment for patrons. This is the first case in the state which discusses visibility in theaters."

Renovate Richmond Duo

Richmond, Va. — Neighborhood Theater's State, and Wilmer & Vincent's National, first-runs, will close Sunday for general overhauling and renovating, to reopen around Labor Day. A. O. Budina, architect, is in charge of the overhauling of the State, and Herman Nowitsky, National.

New Lantz Character

West Coast Bureau of THE FILM DAILY

Hollywood—A new cartoon character has just been born with the production of Walter Lantz' Technicolor short for Universal release, "Peterkin" a Pan character created by Will Pogany, the artist.

Zerga Opens New Nabe

San Francisco—Attilio Zerga has opened a new neighborhood theater, The Bridge, at 3010 Geary Boulevard. Under construction for six months, it is the first of three to be erected by Zerga.

Extend Franco-Nazi Pact

Paris (By Cable)—French and German agreement covering importation and exportation of films between the two countries has been renewed for one year without changes.

**THIS BUSINESS DOESN'T
NEED *anything* HALF
AS MUCH AS IT NEEDS**

Stimulation!

Emphatically not the kind that comes in bottles and tastes like boiled shoe laces, but—

Lots of good, dramatic entertainment tonic—
PROFITABLE PICTURES—

at regular intervals from an assured, courageous, energetic and enthusiastic source, the sort of Pictures that are the bone and sinew of the Greatest Business on Earth



The Show Business!

YOU CAN'T GET AROUND THAT, SO . . .

PRODUCERS DISTRIBUTING CORPORATION

BEN JUDELL *President*

**is honestly proud to offer for the
1939-1940 EXHIBITOR SEASON**

**60 PROFITABLE
PICTURES!**

When you're ready to measure your theatre for its 1939-1940 Profit Capacity throw away all your old-time yard-sticks. Art and "delayed tempo" productions have their places, to be sure, but MILLIONS of theatregoers on whom exhibitors depend for steady, profitable patronage will continue to steadfastly refuse to pay for anything except moving pictures!

Hence, the policy of Producers Distributing Corporation will be to distribute only such Pictures as merit definite audience-acceptance. Positive dynamic Box Office productions high in entertainment and exploitation value—moving pictures!

Our production schedule consists of SIXTY pictures, from choice, closely-knit, entertaining stories, directed by masters of their craft, with stellar "name" casts.

Pictures that have life, action, thrills,
suspense and down-to-earth *melodrama*;

Pictures the theatregoing public
needs, wants and for which it is willing to *pay*!

WITH OUR 60 PROFITABLE PICTURES, EVERY LAST ONE OF THEM DELIVERED PER SCHEDULE, EXHIBITORS CAN REVIVE, REAWAKEN, RE-ESTABLISH, THE OLD-TIME BOX-OFFICE SPIRIT AND GET BACK WHATEVER PATRONAGE THEY LOST THROUGH NO FAULT OF THEIR OWN.

That's a big promise, but we CAN keep it—we WILL keep it!

9 **4-STAR SPECIAL PRODUCTIONS**—Conceived, designed and presented for **SHOWMEN** who know exceptional screen merchandise when it's offered them. Timely in theme and intelligent in treatment. Big ideas handled in a big way—for **BIG**, profitable exploitation campaigns.

4 **MIGHTY JACK LONDON MELODRAMAS**, based on narratives by one of literature's immortals. The clash of gigantic, red-blooded heroes in epic struggles for power, possessions and—**LOVE!** Filmed against spectacular backgrounds of primitive grandeur.

5 **HORROR PICTURES**. Deliberately and painstakingly produced to meet popular demand for the unusual, the bizarre, the unique in screen entertainment. **EXAMINE THE BOLTS ON YOUR SEATS BEFORE YOU SHOW THESE!** They're that kind.

6 **MYSTERY MELODRAMAS**. Not cut-and-dried "whodunits" based on old formulas, but **NEW** stories with sleuth heroes who mix brains with plenty of brawny, physical action.

12 **MELODRAMAS WITH ROBUST ACTION**. Pictures that start with a bang and end with explosive climaxes; with stories that never falter, never halt, until their objectives are reached.

8 **"TALES OF BILLY THE KID,"** featuring **GEORGE HOUSTON**. Based on the career of the Southwest's most misunderstood character, who wrote his laws on curtains of gunfire with bullets of flaming lead.

8 **TIM MCCOY WESTERNS**, with a star now at the zenith of a glorious screen career, with millions of loyal fans. These are "investments," not "speculations."

8 **"THE SAGEBRUSH FAMILY,"** a De Luxe series for De Luxe and other theatres, featuring Bobby Clark, world's champion Junior Cowboy. A "family" series that upsets screen traditions and pleases everyone in the household.



8 TIM MCCOY WESTERNS

The One Sure Box-Office Western
"NAME" Everywhere!



Only the West could spawn a man like this —
Only the Frontier could give him elbow room!

8 Tales of BILLY the KID FEATURING GEORGE HOUSTON

Fresh as a mountain breeze — New as
a pioneer's trail — Penetrating as an
Indian chief's war whoop!

8" THE SAGEBRUSH FAMILY "

Featuring BOBBY CLARK
World's Champion
JUNIOR COWBOY



PRODUCERS DISTRIBUTING CORPORATION

1436 N. BEACHWOOD DR., HOLLYWOOD, CALIF. EXCHANGES EVERYWHERE

GOLDWYN TO RELEASE "RAFFLES" THRU UA

(Continued from Page 1)

recently, he declined to comment on the distribution plans for the picture in view of his pending suit against the distributing organization.

A 1939-40 lineup had called for only two Goldwyn pix, "They Shall Have Music" and "The Real Glory."

"Raffles" goes into production within the next two weeks, with David Niven and Olivia De Havilland co-starred and Sam Wood directing. John Balderston has completed the adaptation.

Hearing on RKO Claims Will be Held on Friday

(Continued from Page 1)

against RKO by creditors and to reduce and expunge others. Federal Judge William Bondy in response to the petition ordered a hearing on Friday at 2:30 p.m.

The petition asked for a reduction on the claim made by Alfred A. Fiegal for \$24,061 on a contract for advertising to \$11,629; a claim of Criterion Advertising Co., on a similar contract, from \$404,686 to \$314,333; to expunge claims of Orpheum Theater Co., Ltd., for \$124,083 and Publix Indiana Corp., for \$1,602,900; to file a claim of the Chemical Bank & Trust Co. for services as trustee under a collateral note indenture at a preferred amount of \$4,568, and finally, to fix a claim of the United States Bank of Denver based on a guaranty of mortgage bonds of the Denver Orpheum Co., at \$81,165.

The Irving Trust petition stated that previous agreements had been made with the creditors listed in the petition and that formal consent of Judge Bondy was required.

Court Reserves Decision on Para. Suit Dismissal

(Continued from Page 1)

imately \$30,000,000 damages against Paramount officials and directors for alleged mismanagement and waste.

Paramount contended that as a matter of law the complaint must be dismissed because it is based on the acts of officials prior to the acquisition of stock by the plaintiffs in 1937. In addition, the application sought dismissal of parts of the complaint as redundant and also asked for a bill of particulars. American Telephone and Telegraph Co., Western Electric and Erpi are also named defendants in the suit.

Keep Building Ban

Copenhagen (By Cable)—The municipality has renewed for another year the measure prohibiting the building of new theaters.

AAAA Emerges Victor in Injunction Move; AE Suspends Harry Richman

(Continued from Page 1)

and its affiliated unions, including the newly created American Guild of Variety Artists, from allegedly interfering with AFA contracts with employers and soliciting members of the AFA for the purpose of inducing them to join the new union, AGVA.

The AAAA fired a further broadside when Equity suspended Harry Richman. The Equity council accepted charges against Richman, who is vice-prexy of the AFA, similar to the charges that brought Sophie Tucker's suspension from Equity, and Aug. 29 was set for a hearing on the charges against him. A letter from Sophie Tucker's counsel asking for a postponement of the Aug. 22 hearing on charges against her was summarily dealt with as the council declined to consider it.

Adding to the already confused mix-up, the Authors' League of America yesterday accused AFRA of a jurisdictional raid on its membership comparable to the charges being leveled at the IATSE by the actors' organizations. AFRA execs. stated that they were ready and willing to turn these writers over to any recognized "bona fide organization" prepared and capable of representing them. This statement irked League officials, who said their jurisdiction was not only recognized over the writers, but up to this time their capability in handling their own affairs had never been questioned.

TMAT Impeachment Talk

Further fireworks were also indicated in the TMAT setup last night as tomorrow's membership meeting drew closer. The film division stood solidly in favor of asking for an IA charter, but the legit. division has balked at this plan, and reports were heard that impeachment of certain officials might be asked for as they had gone to Atlantic City to confer with IA heads after they had been requested not to.

Meanwhile, statements continued to fill the already supercharged air yesterday. Tallulah Bankhead, in a blast at IA prexy George E. Browne, termed him a stock company Hitler and a hungry Caesar. In conclusion Miss Bankhead stated that "Mr. Browne should stick to his last." "Does he promise never to tell me how to act, when to act or where to act, in turn I'll promise never to coach him in the technique of foul-

ing a drop, short-circuiting a switch-board or eating the edible props." Miriam Hopkins also endorses the AAAA yesterday and stated that the actors had no intention now, or in the future, of giving up their self-government and jurisdiction.

For Early Trial Date

The McGoldrick decision asserted that the papers upon which the AFA application for an injunction was based were "insufficient to justify a temporary injunction." Justice McGoldrick, however, conditioned his denial of the injunction application on the express condition that the defendants agree to a trial date at the earliest possible moment. The Court suggested that a referee be appointed if an earlier trial was sought, either to be selected by the Court or picked from three names to be submitted by William Green, AFL prexy.

Green, when questioned in Atlantic City, stated that the dispute was a headache and was the worst jurisdictional fight he had ever encountered. It was disclosed that he had tried to head it off by earlier meetings with the 4 A's, but that his offer of a conciliation board had been rejected. Green also offered to arbitrate the dispute himself, but this offer was also rejected by the AAAA on constitutional grounds, it was learned.

With Ken Thomson, executive-secretary of SAG, arriving from the Coast last night as the advance guard of the acting contingent coming here to go to Atlantic City, the names of the delegation were released. Ralph Morgan, SAG prexy; Olivia de Havilland, Binnie Barnes, Edward Arnold, Lucille Gleason, Jean Muir, Mischa Auer, Henry Hull, Wayne Morris, and Larry Steers arrive from the Coast today by plane. Frank Gilmore, Paul Turner, Henry Jaffe, Lawrence Tibbett, Jascha Heifetz, Miriam Hopkins and Fredric March are scheduled to attend the A. C. meeting from New York, with chartered planes taking the entire group to the Jersey resort town tomorrow morning. The IA group and AFA execs are already there.

Equity also took a further precautionary step yesterday in appointing a special emergency committee to make any necessary decisions in lieu of the full council during the intra-union battle.

Miller to Reopen House

Columbus, O. — Three changes have been announced in the Central Ohio theatrical field. Chet Miller, Chesbrough chain booker, will reopen the East Columbus theater. Gene Godding is remodeling a building in Williamsport and will open a theater there about Sept. 1. The Strand theater in Frazeyburg has been closed.

Uxbridge House Sold

Uxbridge, Mass. — Fred Eisner, affiliated with the Lockwood & Gordon Enterprises, Inc., has purchased the Bijou Theater from Mrs. Rose Coriarty, who operated the theater since the death of her husband. The new concern operates a number of theaters in Maine, Massachusetts, Rhode Island, Connecticut and New York.

S-W MAKING FURTHER PHILLY POLICY SHIFT

(Continued from Page 1)

now playing vaudefilm, reverts to films. The three-hour show "B" picture policy goes into the Capitol, Seventh and Market, hitherto a grind, with changes several days a week. The Capitol, for years has been nothing more than a drop-in house with little play in the evenings, located in the department store area.

Keith's, closed, reopens with a policy similar to that of the Center, changing several times a week as the pictures warrant. The Stanton and Karlton will play repeat runs as currently, while the Aldine reopens within a fortnight for the regular season with UA. This makes the third shift in downtown first-run operations in several months.

Meanwhile, in the rest of the territory, changes have been taking place. Harry Chertcoff, enterprising independent exhibitor, took over the Elks and Majestic, Middletown, and now operates a string of 10 houses from Harrisburg to Lancaster. William Greenfield acquired the Baltimore and Sherwood, Philadelphia, giving him a five-house string. George Renigeorge Resnick, who has the local Cayuga, bought into the local Grant, operated by William Cohen. Mark Rubinsky has taken over theaters in Cressona and Dallastown, both of which will be called the Lyric. Osman interests have taken the Poxtang, Paxtang.

Frisina Adds Another

Springfield, Ill.—The Frisina circuit has leased the Lincoln theater at Robinson from Price & Hewitt; latter have also turned over the Home theater at Oblong to John Bowman.

Singer Reopening Two

Chicago—Mort H. Singer Theaters Corp., with circuit headquarters here, announces that it will re-open on Sept. 1 the Capitol Theater in Marshalltown, Iowa, and the Orpheum Theater, Dubuque, Iowa.

New Parkersburg House

Pittsburgh—Mrs. P. M. Thomas, who operates the Palace Theater in Parkersburg, W. Va., will open a new 400-seat house there which is expected to open about Aug. 15.

Lande Takes On Premiums

Cleveland—Harry Lande, operating Independent Film Service, has taken on a line of theater premiums, making the sixth premium distributor in the Film Building.

70 in Argentine

Buenos Ayres (By Cable)—Argentinian studios announce a total of 70 pictures for 1939-40. Minimum budgets will be \$50,000, it is claimed.

The

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TODAY—

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TOMORROW—

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Of Motion Pictures
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VO 76, NO. 28

NEW YORK, THURSDAY, AUGUST 10, 1939

TEN CENTS

Code Revision Announcement Awaits Administration Plan WAR OR PEACE DECISION AT A F OF L MEET TODAY Allied Answers Critics on Subject of Code Rejection

Exhib. Organization "Breaks Silence" and Defends Its Stand on Code

In a nine-page general bulletin, national Allied yesterday answered charges made by industry representatives following Allied's rejection of the proposed code at the Minneapolis convention. The bulletin explains that Allied "now breaks its silence because certain of its directors have expressed the fear that its failure to do so might be interpreted by persons unfamiliar with industry politics as a tacit admission that the criticisms were unanswerable."

Specific charges to which Allied now replies cover the following alle-

(Continued on Page 7)

CHARGE FRANCE AIDS IN MOVIE SMUGGLING

A Federal grand jury yesterday handed up to Federal Judge John C. Knox a presentment accusing the French Ministry of Foreign Affairs of permitting Andre de la Varre to smuggle films into the U. S. in its diplomatic mail pouches. De la Varre is now free on bail, Federal officials stated.

The grand jury's presentment is an outgrowth of the alleged smug-

(Continued on Page 7)

"U" Taking 100 Critics to "Under-Pup" Premiere

Universal will launch its new starlet, Gloria Jean, with the biggest premiere in the company's history on Aug. 24 when Joe Pasternak's

(Continued on Page 7)

Para. Sets Release Dates for 13 Pix for 1939-40

With 17 pictures completed, 9 now in production and 5 more set to roll before the end of the month, Paramount yesterday set

(Continued on Page 7)

Enactment of Neely Bill Means Stronger Monopoly, Asserts Loew's Jos. R. Vogel

Washington Bureau of THE FILM DAILY

Washington—Enactment of the Neely anti-compulsory block-booking and blind-selling measure, now awaiting House action at the next session of Congress, would "really hit the small producing companies, thereby helping to create a stronger monopoly," according to Joseph R. Vogel, in charge of Loew's out of town theaters.

Vogel arrived here yesterday to personally direct the Eastern tour of Judy Garland and Mickey Rooney which calls for stops in New Haven, Boston and New York.

\$15,000,000 LOEW FINANCING IS SET

Loew's, Inc., has borrowed privately \$15,000,000 at an interest rate averaging 3.30 per cent, for the refunding of obligations of a subsidiary and for additional working capital, through a bank loan of \$3,750,000 and an issue of \$11,250,000 of bonds which was purchased by two life insurance companies, it was disclosed yesterday.

The bank loan will bear interest

(Continued on Page 6)

Eastman's 24-Week Net Advances to \$8,688,870

Rochester—Eastman Kodak Co. reports here a net profit for the 24 weeks ended June 17 of \$8,688,870, equal to \$3.43 a common share.

This compares with a net profit

(Continued on Page 7)

RKO'S UNDERWRITING UP AGAIN ON FRIDAY

Federal Judge William Bondy after hearing objections yesterday to the proposed underwriting agreement presented by Atlas Corp. continued hearings to 3 p.m. Friday at which time he may render his decision on confirmation of the agreement.

Judge Bondy stated that if he was unable to reach a decision on Friday, after study of the record and papers,

(Continued on Page 4)

Georgia Bank Loses Move for Fox Theaters Receiver

Trust Company of Georgia, creditor of Fox Theaters Corp., received a setback yesterday in its fight for the appointment of a temporary receiver for Fox The-

(Continued on Page 7)

Report Revised Code Includes Two New Clauses Which Will Benefit Exhibitors

Warners' "Nazi Spy" Headed for Highest Foreign "Take"

With a gross of \$1,500,000 in the British empire alone in prospect, "Confessions of a Nazi Spy" is expected to roll up one of the largest foreign "takes" in Warner history.

In London, the picture, is in its ninth week at the Warner Theater

(Continued on Page 4)

Until a plan for the administration of the trade practice code has been perfected, no announcement as to the revisions of the draft will be made, it was learned yesterday.

Only two major changes will appear in the revised draft, it was learned. These are in the form of two additional clauses, both of which are of benefit to the exhibitors.

W. F. Rodgers, spokesman for

(Continued on Page 4)

IATSE and SAG Talk Strike; Joseph M. Schenck Flies from Coast

By HOLLIS KENNAHAN

FILM DAILY Staff Writer

War or peace in the film industry will result from today's meeting of the American Federation of Labor executive council in Atlantic City. Statements by Ralph Morgan and George E. Browne yesterday, respectively prexies of the SAG and IATSE, indicated that they were both ready for strike action if necessary.

With the Hollywood delegation headed by Morgan arriving last night, the entire delegation then gathered for a final strategy conference at the home of Lawrence Tibbett. The AAAA will ask the council to force a revocation of the charter given the AFA by Browne and will ask for a clear-cut ruling on the jurisdictional dispute. It will be

(Continued on Page 6)

STOA MEET OPPOSES INCREASED RENTALS

Atlanta—The Southeastern Theater Owners Ass'n yesterday unanimously approved a resolution opposing an increase in film rentals by motion picture distributors to offset a 20 per cent cancellation provision in the industry's pro-

(Continued on Page 7)

Too Hot to Work, So Six Majors Dismiss Employees

The heat got 'em yesterday. With the thermometer flirting with the 90's, top execs. of six of the major

(Continued on Page 2)

Expect Warner to Further British Production Plans

Further steps for a series of Class "A" pictures to be made at Warners' Teddington studios are expected to

(Continued on Page 6)

THE FILM DAILY

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	12 1/2	12 1/2	12 1/2	
Col. Picts. vtc. (2 1/2%)				
Col. Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	- 1/8
Con. Fm. Ind. pfd.				
East. Kodak	170 3/4	170 1/4	170 1/4	- 1/4
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	43 1/4	42 3/8	42 3/8	- 1 3/8
do pfd.				
Paramount	9 3/8	9 1/8	9 1/8	- 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10	10	10	- 1/8
Pathe Film	12	11 1/2	11 1/2	- 1/2
RKO	1 7/8	1 7/8	1 7/8	
20th Cent.-Fox				
20th Cent.-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	4 7/8	4 3/4	4 7/8	
do pfd.	52	52	52	- 1

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/4	100 1/4	100 1/4	
Loew's deb. 3 1/2s46	103 1/4	103 1/4	103 1/4	- 1/4
Par. B'way 3s55	50 1/2	50 1/2	50 1/2	+ 3/8
Par. Picts. 6s55				
Par. Picts. cv. 3 1/4s47	91	91	91	- 1/8
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	90 1/4	90 1/4	90 1/4	

NEW YORK CURB MARKET

Monogram Picts.	1 5/8	1 5/8	1 5/8	
Sonotone Corp.				
Technicolor	15 3/4	15 1/4	15 1/4	- 1/2
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film. 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		3 3/8
Loew's Thea. Realty 6s 1st '47	100 3/4	102 1/4
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	65 1/4	67 1/4

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3,000 Fans Greet Rooney, Garland in Washington

Washington Bureau of THE FILM DAILY

Washington—A crowd of 3,000 fans greeted Mickey Rooney and Judy Garland here yesterday when the screen stars arrived for a personal appearance engagement at the Capitol Theater. They were welcomed by the President of the Board of Commissioners of the District of Columbia, Joseph R. Vogel and Carter Barron, flanked by 30 uniformed high-hatted ushers and 30 Roxyettes.

The SRO sign was posted at the theater an hour before show time and the street was blocked by an estimated crowd of 5,000 persons.

Vogel was pressed into service as an usher.

Nazi Answer M of T Reel With Fortress Documentary

Berlin (By Cable)—Regarded by the Propaganda Ministry as the Nazi answer to "Inside the Maginot Line," produced by The March of Time, "The West Wall," a documentary concerned with the construction of Germany's Siegfried Line was previewed here this week and, by Hitler's order, will be played by every film theater in Greater Germany. Film, starting today, replaces the cultural short and newsreel customarily accompanying features.

20th-Fox Would Shift Brice Action to Federal Court

Chicago—Judge Charles Williams has taken under advisement the request of Francis Matthews, 20th-Fox counsel, for transfer to Federal Court from Superior Court of Fannie Brice's \$750,000 damage suit. Decision is expected Friday. Suit stems from 20th-Fox's "The Rose of Washington Square."

New England Franchise For Alliance's Program

Budd Rogers, vice-president and general manager of Alliance Films Corporation, announces that Popular Pictures, owned and managed by Ben Rogers with headquarters at 48 Melrose St., Boston, has secured the New England franchise for the Alliance program of 12 features for 1939-40. The first release, Aug. 15, will be "Dead Men Tell No Tales," starring Emlyn Williams.

Grainger Wings South to Talk Circuit Deals

Deals between circuits in the New Orleans territory and Republic Pictures loomed yesterday as James R. Grainger, Republic's president, left New York for the southern city by plane. At Atlanta, it was learned, Grainger was joined by Arthur Bromberg, southern franchise holder, and Clair Hilgers, southern district sales manager.

Too Hot to Work, So Six Majors Dismiss Employees

(Continued from Page 1)

companies decided to close up shop in mid-afternoon and sent their employees home or to cooler environments.

Paramount, RKO and Warner Bros. dismissed their entire staffs, while United Artists, Columbia and M-G-M let school out for those in departments where there was no air conditioning.

The 20th Century-Fox boys and girls paid the penalty of working in a building which is air-cooled throughout and so had to stay at their desks.

Retsama to Start First Four-Reeler on Tuesday

West Coast Bureau of THE FILM DAILY

Hollywood—Retsama Film Productions, just organized, will send "The Trail Blazers," its first pix, before the cameras on Tuesday with Leonard Dean-Smith as associate producer. All Retsama pix will be shot in full color, using the newly perfected Cinemachrome. Retsama plans four-reel featurettes for duals. Geraldine Spreckles will star in the first. Others under contract include Helen Holden, Fred Keating, Paul Frohman, Jayne Regan, Mary Jane Sullivan, Gene Patrick and Charles Hartman.

"Four Wives" Starts Monday

West Coast Bureau of THE FILM DAILY

Hollywood—Michael Curtiz will start direction of "Four Wives," sequel to "Four Daughters," on Monday. Cast will include Lola, Priscilla and Rosemary Lane, Claude Rains, Gale Page, Jeffrey Lynn and May Robson. Henry Blanke is associate producer. Jules and Philip Epstein wrote the screenplay.

"S & L" Passes 100,000 Mark

With an attendance figure that passed the 100,000 mark yesterday afternoon "Stanley And Livingstone" was set for a second week at the Roxy with the expectation of two more weeks to follow.

EIGHT YEARS

With eight years of experience with major companies behind me, with a record to be proud of finds me now in quest of a new affiliation due to circumstances over which I have no control. My foreign production department experience qualifies me to fill any position in a foreign production department where my past experience will prove of exceptional value to the right company. I am experienced in superimposing, re-recording of commentary versions, censorship cutting, French dialogue pictures and editing of English titles. Knowledge of French, Spanish and Italian.

Write Box No. 1200

THE FILM DAILY

1501 Broadway New York City

COMING AND GOING

JOSEPH M. SCHENCK, chairman of the 20th Fox board, arrived here yesterday by plane from the Coast.

SPYROS SKOURAS, National Theaters chief, leaves New York this week-end for several weeks in the field visiting the district offices.

JAMES R. GRAINGER, Republic prexy, left the home office yesterday morning by plane for New Orleans, and will be joined at Atlanta by ARTHUR BROMBERG, southern franchise holder, and CLAIR HILGERS, southern district sales manager.

MRS. HARRY C. CHARNAS, Los Angeles ar western U. S. representative to the International Youth Alyah conference in Holland, is en route here from the Coast, sailing for Europe next week on the Normandie.

JUDY GARLAND and MICKEY ROONEY will be in New Haven today for a personal appearance, arriving in New York Monday. They will make a p. a. here next week when Metro "Wizard of Oz" opens at the Capitol.

KAY FRANCIS is vacationing in Ohio.

EARL H. ZIMMER, upstate exhib., EUGEN VENNE, manager of a Quebec house, M. A. MARKLEY, Pennsylvania exhib., and WALTER P. WILSON, resident manager of the Capitol Theater, Edmonton, Alberta, were visitors this week at the RKO Lounge.

MARLENE DIETRICH returns here next week on the Normandie.

JIMMY LUNCEFORD and his orchestra sail for a European engagement the end of this month.

J. ROBERT RUBIN cancelled his passage on the Queen Mary yesterday, deferring his sailing to a later date.

W. C. GEHRING, Central Division sales manager for 20th Century-Fox, left last night for Detroit to negotiate a new film deal with the Cooperative Circuit of Theaters there.

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3 2 7 % !

Call out the cops just as they did at the Apollo Theatre, Atlantic City (*Biggest business of the year!*) and Moorland Theatre, Ocean City, N. J. The first engagements of ROBERT TAYLOR, HEDY LAMARR in "LADY OF THE TROPICS" are phenomenal as expected! It's a lovely summer for M-G-M exhibitors isn't it? Next: "WIZARD OF OZ."

Screen play by Ben Hecht, directed by Jack Conway, Produced by Sam Zimbalist

CODE CHANGES AWAIT ADMINISTRATION PLAN

(Continued from Page 1)

the distributors, said that he had hoped to release the details of the revised code today but that the matter would have to be delayed until a system of putting the provisions into effect had been worked out.

However, he said that major attorneys had advised him that a complete announcement would be ready not later than Aug. 21. The distributors, Rodgers pointed out, were endeavoring to map out a plan by which signatures could be obtained and that the task was proving to be a difficult one.

Warners' "Nazi Spy" Headed for Highest Foreign "Take"

(Continued from Page 1)

setting a new record for length of run; "Robin Hood," which opened this new house, played for five weeks. "Nazi Spy" has been playing simultaneously at the Regal, London, and will continue. At the Warner, a 12-week stay is expected.

In Europe, the film is currently in its third week in Paris, playing at three first-run houses simultaneously. In Marseilles, the film is in its second week having beaten the all-time record held by "Robin Hood." In Nice, the feature is playing a two-week simultaneous engagement in three first-run houses, and in Bordeaux the film is currently in its third big week. In Warsaw, Poland "Nazi Spy" is in its third week, and will continue indefinitely.

In Sydney, Australia, the film is in its fourth week. In Bombay, the picture opened to the biggest business in five years. Other spots where the pix has scored heavily include Singapore, Mexico City, Panama City and Havana.

"Hardy" Stays In Loop

Chicago — "Andy Hardy Gets Spring Fever" is slated for a second Loop run at B & K Garrick theater, after three weeks at the United Artists.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUSTA 10
Norma Shearer
Walter Lang
Harry Bernstein
Harry J. Cumbin
Joseph R. Fliesler

ALONG THE



WITH PHIL M. DALY

● ● ● THERE can be something new under the sun.....witness Metro's plans for the first cocktail-less cocktail party.....ever given for movie stars in lil' ol' New York.....(Attention, Governor Dickinson!).....200 high school boys and girls.....picked from all parts of the metropolis.....via "elections" conducted by 75 Loew theaters.....will be luncheon guests next Wednesday of Mickey Rooney and Judy Garland.....in the Empire Room of the Waldorf-Astoria.....this will follow their service on the Official Reception Committee.....at Grand Central on Monday.....when the two young players arrive.....for their p. a.'s at the Capitol.....in connection with the engagement of "The Wizard of Oz".....starting Aug. 17.....Judy is the picture's little heroine, Dorothy.....Call this a press agent stunt.....if you must.....but remember it has the unusual merit.....of bringing a thrill and joy.....to 200 youngsters who never hoped.....to meet a star "in poison".....or lunch at the ritzy Waldorf.....The shade of Syracuse's L. Frank Baum.....must agree that the Wizard of Oz himself.....never worked a happier miracle.....

● ● ● THIS, that and t'other... ● If all goes well, Scenarist Sam Hoffman may have two plays on Broadway next season.....Lively interest reported in Sam's "Top Billing".....and "Now I Owe You Nothing".....which the William Morris office is handling.. ● Howard Hughes may drop from the clouds here some time Saturday.....He's planning a try for a new trans-continental flight record.. ● With Horace Heidt going into the Strand tomorrow.....Al Kavelin and his ork replaces for three weeks at the Biltmore Hotel.. ● Wotta performance Bert Lahr turns in.....as the Cowardly Lion.....in Metro's "The Wizard of Oz".. ● Add Things to Worry About.....NBC tele signals are being picked up.....on Cape Cod, 185 miles from New York City by air.. ● Gene Fowler is still working on his new novel....."Illusion in Java".....on Fire Island.....but already two majors figuratively are licking thier chops.. ● Phil Spitalny celebrates the fifth anniversary of the organization.....of his all-girl band.....at the New York Para. tomorrow night.. ● Just to further point up the silly action.....of the New York Censors.....the National Board of Review has rated.....the banned French pix, "Harvest".....as an Exceptional Photoplay.....which it is.....

● ● ● GOSSIP.. ● Thurman W. Arnold, Assistant U. S. Attorney General.....and the gent in the driver's seat.....of the Department of Justice's anti-trust suit campaign.....has been dropped in academic rank at Yale.....from full professor of law.....to a lecturer in law.....which assays as a tip-off that T.W.A.....has not intention of quitting his Federal post.....as was reported some time back.. ● Mary Pickford is on the way to becoming an aviatrix, 'tis reported.. ● Both Abe Fishman and Mrs. Philip Saslau.....of Connecticut's Fishman Circuit.....are due home this week.....from stays in the hospital.. ● New York World's Fair observes.....Younger Generation Day on Aug. 31.....Expected to be among those present are.....Hal Roach, Jr., Noah Beery, Jr., Frances Rich, Mary Rogers, Tim Holt, Broderick Crawford.. ● Speaking of the Fair, NBC's W2XBS.....will telecast a preview of Edison Memorial Day tomorrow afternoon.....program to be telecast will include a p. a. by Joe Smiley, pioneer director.....and the historic "The Great Train Robbery."

RKO'S UNDERWRITING UP AGAIN ON FRIDAY

(Continued from Page 1)

he would seek an advisory opinion on the subject from the SEC. The Commission had advised him, he continued, that it would be prepared to render an opinion no later than Aug. 23.

George Leib, partner in the investment banking house of Blythe & Co., testified at the request of Hamilton C. Rickaby, counsel for the Atlas Group, as to his opinion concerning the fairness of the agreement. Leib asserted that a 20 to 25 per cent discount on the market price of stock was a fair profit for an underwriter, and that the market price must be considered the primary factor in undertaking the underwriting agreement.

He characterized this agreement as "dangerous underwriting" because of the protracted period of time during which the underwriter stands liable for the stock's flotation.

Judge Bondy questioned him on the possibility of manipulation of prices in order to keep the price level low, and Leib said that he doubted whether there was any manipulation.

In addition to Leib, N. Peter Rathvon, a director of the new RKO company, testified that the agreement is fair.

Myron Kommel, attorney for H. Cassel & Co., cross-examined Leib and attempted to prove that the stock was worth a minimum of \$10 per share. Leib in response, stated that the book value of motion picture stock was no indication of actual value, adding that it was only worth what it can earn.

John S. Stover, counsel for Ernest W. Stirn, unsuccessfully sought to strike out the testimony on the ground that the market price had been merely a gamble on a judicial decree.

Finally, Russell McKirk, of Farley & Co., holder of approximately \$100,000 in debentures, in opposing the agreement, cited a letter sent by Atlas to its stockholders which valued the stock at \$5.37 per share. This, he said, should prove to the Court that the actual value of RKO stock was higher than \$4.

Ward on Pix Cases

Chicago—Martin Ward will have charge of film cases handled by the Chicago district attorney's office. Ward succeeds Warren Cannady, named Master in Chancery.

Queen Mary

Mary Pickford has accepted an invitation from the National Tobacco Festival at South Boston, Va., to reign as "Queen" of the fifth annual event to be held on Sept. 7-8. Senator Harry Flood Byrd and Governor James H. Price of Virginia joined in extending the invitation to the UA partner who will make a special trip from Hollywood, to attend.

« « «

» » »

20TH'S "STANLEY AND LIVINGSTONE"

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hit*

**ROXY PREMIERE
ACTUALLY GAINS
MOMENTUM AS
TUESDAY TOPS
SOCK MONDAY
BY \$3,000!**

*Now the talk of New York...soon
the sensation of the nation!*



THE KEYSTONE OF YOUR FUTURE

A F OF L TO DECIDE WAR OR PEACE TODAY

(Continued from Page 1)

asked that the IA be restrained from organizing within the acting field.

What Browne's counter action will be has not been disclosed, but he is expected to defend his actions by asserting that under the IA charter, it is stated that it is empowered with jurisdiction over all workers on stages, and that the ousting of the AFA from the 4A organization left the union unprotected and affiliation with the IA was necessary to protect it from CIO invasion, which would also be an invasion of the whole theatrical field if he did not step in and halt it.

The delegation that will appear before the executive council of the American Federation of Labor at Atlantic City this afternoon to protest the raid on the jurisdiction of the four A's by George E. Browne of the IATSE will leave in two sections: part by plane and part by train.

Delegation Going to A. C.

Those who will leave on a chartered plane from Newark Airport this morning include Miriam Hopkins, Peggy Wood, Lawrence Tibbett, Binnie Barnes, Ralph Morgan, Edward Arnold, Wayne Morris, Jean Muir, Lucille Gleason, Henry Hull, Mischa Auer, Frank Gilmore, president of the 4 A's; Kenneth Thomson, executive secretary of the Screen Actors Guild; Maida Reade, executive secretary of the American Guild of Variety Artists; Emily Holt, executive secretary of the American Federation of Radio Artists; Leo Fischer, executive secretary of the American Guild of Musical Artists; Henry Jaffe, counsel for several four A's unions; Florence Marston, eastern representative of the Screen Actors Guild, and Edward Harrison. The contingent leaving Pennsylvania station at 10:20 a.m., will include Tallulah Bankhead, Fredric March, Paul Dullzell, executive secretary of Actors Equity Association; Paul Turner, counsel for the 4 A's; Rebecca Brownstein of counsel for Equity and about 10 rank and file members of the American Guild of Variety Artists. Olivia De Havilland, who was announced as making the trip from the Coast by plane, failed to do so at the last minute. Peggy Wood, stage star, is a last-minute possibility to those going by plane.

The following telegram was sent yesterday to William Green, president of the American Federation of Labor, by the entire Group Theater Company of 107 members including Frances Farmer, Leif Ericson, Sylvia Sidney, Philip Loeb, Luther Adler, Elia Kazan, Lee Cobb, Morris Karnofsky and Stella Adler: "The undersigned members of the Actors Equity Association and loyal members of the American Federation of Labor are amazed at a state-

Gulf Selling Slows

New Orleans—Film selling in the Gulf States Territories, which started off with a bang and promised to race way ahead of last season this year, has slackened considerably. Reliable sources told THE FILM DAILY yesterday that sales were considerably behind those of last season, despite opening indications and declared that independent and circuit exhibitors alike seemed to be holding back.

ment attributed to you in the daily press that you are in doubt as to the jurisdiction of the four A's, which for more than a quarter of a century has been a dues-paying affiliate of the American Federation of Labor. We appeal to you to settle the present threat to peaceful theatrical conditions on the basis of our constitutional rights, simple justice, and common sense. To do otherwise would only work to the detriment of all theater workers and to a lowering of the American Federation of Labor in the eyes of the public."

Joseph M. Schenck Arrives

Arrival yesterday by plane of Joseph M. Schenck, president of the producers' association, was considered significant in view of the gravity of the situation. Whether he will intercede in any way could not be learned. Schenck's announcement that an agreement had been reached with the IATSE covering all studio crafts was considered a victory for the IA as it had demanded immediate action on its contractual demands.

The AAAA pressed yesterday for an open hearing at the council, but up to late last night it seemed certain that the press would not be allowed in and not all of the AAAA delegation would manage to get in the council room. Latest reports from Atlantic City also indicated that Browne might not be present and William Green stated that he would only be an observer until after the session has concluded.

A bombshell was tossed by Green when he stated in his hotel that upon a search of the records no conclusively definite information had been found as to the extent of the AAAA jurisdiction. Four A execs. replied that he had not looked far enough and they had no doubt as to their ability to fully establish their claims.

Meanwhile, strike pledges continued to pour into the AAAA office and they continued their press barrage. Ken Thomson told THE FILM DAILY last night that it was a question of the dispute being settled on the executive council floor, and he had no opinion as to what might result if an unfavorable decision came down.

Equity issued a statement yesterday emphatically denying that it had ever or would ever consider negotiating with the IA charter following a printed report of such action accredited to an Equity spokesman. Sophie Tucker attacked the AAAA yesterday as being unfair in its methods of fighting this issue.

Following the arrival of Morgan and his delegation from Hollywood they went to the Roosevelt Hotel where a general press conference was held.

«REVIEWS» "The Wizard of Oz"

with Judy Garland, Frank Morgan, Ray Bolger, Bert Lahr, Jack Haley

Metro 101 Mins.

HANDSOMELY MOUNTED FAIRY STORY IN TECHNICOLOR SHOULD CLICK SOLIDLY AT THE BOX OFFICE.

Leo the Lion is privileged to herald this one with his deepest roar—the one that comes from way down—for seldom if indeed ever has the screen been so successful in its approach to fantasy and extravaganza through the medium of flesh-and-blood. And if the Young in Heart, to whom Metro dedicates the Mervyn LeRoy production in a foreword, have not wholly disappeared from the earth's face, this handsomely mounted fairy story in Technicolor, with its wealth of humor and homespun philosophy, its stimulus to the imagination, its procession of unforgettable settings, its studding of merry tunes should click solidly at the box-office. And this despite the fact that there is no boy-meets-girl, but, instead, girl-meets-scarecrow-tinman-and-lion. And, of course, wicked and good witches and that old humbug, Oz's wizard, who, too, hails from Kansas. From the creative standpoint, set down the picture as a corking achievement all the way through. The screen play by Noel Langley, Florence Ryerson and Edgar Allan Woolf has been fashioned with obvious determination to preserve the full flavor of L. Frank Baum's book, and the adaptation by Noel Langley is in kind. Naturally, there are innovations, just as there were departures in the stage extravaganza which, for four or five years, served Fred Stone and Dave Montgomery on Broadway. But the essence is there, faithfully, and that's what counts. Victor Fleming, directing, carries the action forward at sustained pace, no minor accomplishment in a musical extravaganza when song and dance are necessary interruptions. Story starts (in sepia) on the Kansas farm where Dorothy (Judy Garland) lives with Uncle Henry (Charley Grapewin), Auntie Em (Clara Blandick), Toto, her canine pet, and the three farmhands, "Hunk" (Ray Bolger), "Zeke" (Bert Lahr) and "Hickory" (Jack Haley), the three latter to turn up at Oz as the brainless strawman, the heartless tinman and the cowardly lion. Running away from home because Miss Gulch (Margaret Hamilton), later a wicked witch, would turn Toto over to the sheriff, Dorothy meets Prof. Marvel (Frank Morgan), afterwards the wizard, whose second-sight sends her scurrying home. Comes the Kansas twister and Dorothy is whirled away to encounter those astounding adventures in Oz, land of witches, diminutive munchkins, haunted forests and the Emerald City where the unseen wizard rules. All in all, it spells surcease from cares, tribulations and taxes—just what the doctor ordered. Well played (and sung), the best remembered performances are turned in by Lahr, who well nigh steals the picture; Judy Garland, Bolger, Haley and Morgan who make the most of the opportunities for make-believe. Miss Hamilton and Billie Burke are effective as the contrasting wicked and good witches, while Singer's Midgets have a field day as the Munchkins. On the musical side, count these numbers as hits: "We're Off to See the Wizard," "The Merry Land of Oz," "If I Only Had a Brain," "Over the Rainbow" and "Ding-Dong! the Witch Is Dead." There's splen-

\$15,000,000 LOEW FINANCING IS SE

(Continued from Page 1)

at the annual rate of 2½ per cent and will be paid off in 5 years through semi-annual installments of \$375,000. This loan was made by Loew's Inc., by The First National Bank of Boston.

The new bond financing is represented by an issue of \$11,250,000 first lien 3½ per cent bonds. Loew's Theater & Realty Corporation, a wholly-owned subsidiary of Loew's, Inc. The issue has been purchased in its entirety by Metropolitan Life and Equitable Life. The sinking fund will operate after 10 years to retire \$400,000 of the bonds semi-annually during the final years of the term of the issue.

Approximately \$7,000,000 of the proceeds of the new financing will be used to retire on Sept. 15, the outstanding first lien 6 per cent gold bonds of Loew's Theater & Realty Corporation, due 1946. The balance of the proceeds will be additional capital, to be available to Loew's, Inc., for such future purposes as may arise.

Interest costs on the entire \$11,250,000 of new financing will not materially exceed the current interest charges on the \$7,000,000 of Loew's Theater & Realty Corporation 6 per cent bonds which will be retired, it is stated.

Expect Warner to Further British Production Plan

(Continued from Page 1)

be taken during Harry Warner's stay in England. The Warner Bros. president sailed yesterday on the Normandie, accompanied by Mr. Warner and Max Milder, the company's English sales head.

It is understood that Warner materially will step up its English "A" schedule during the current season.

J. Robert Rubin, vice-president and general counsel of Loew's, Inc. who was scheduled to sail on the Normandie, cancelled out, but may sail within a few days.

did staging of the musical numbers by Bolger, Connolly, and Harold Arlen who did the tunes and E. Y. Harburg who wrote the lyrics can take a couple of bows. Finally, too, can Harold Gillespie, who devised the special effects, and Harold Rosson, who handled the camera.

CAST: Judy Garland, Frank Morgan, Ray Bolger, Bert Lahr, Jack Haley, Billie Burke, Margaret Hamilton, Charley Grapewin, Patsy Walshe, Clara Blandick and the Singing Midgets.

CREDITS: Producer, Mervyn LeRoy; director, Victor Fleming; author, L. Frank Baum; screen play, Noel Langley, Florence Ryerson, Edgar Allan Woolf; adaptor, Noel Langley; music, Harold Arlen; lyrics, E. Y. Harburg; musical adaptor, Herbert Stothart; musical numbers, Bobby Connolly; cameraman, Harold Rosson; sound, Douglas Shearer; film editor, Blanche Sewell.

DIRECTION, Swell. PHOTOGRAPHY, Topsy.

CHARGE FRANCE AIDS IN MOVIE SMUGGLING

(Continued from Page 1)

gling of 37,000 feet of commercial film made in France or its possessions into the U. S. on the French line in Paris in January of this year. U. S. Attorney John T. Cahill forwarded the grand jury's charge to Secretary of State Hull.

In addition to de la Varre, the presentment names the following persons as having been involved in the alleged smuggling: Morin de Linclays, general manager of the French line in Canada and the U. S.; Edward F. Knight, publicity manager; Jean Coupan, executive secretary of the film committee of the French Tourist Bureau; Octave Pierre and Roland Marcel, high commissioners of the bureau; Jean Alquier, Paris manager of publicity for the French line, and Jean Audemar, assistant general manager of the line in Paris. All are accused of having taken part in the alleged smuggling to aid de la Varre in evading payment of duty on the film.

Para. Sets Release Dates for 13 Pix for 1939-40

(Continued from Page 1)

release dates on 13 of its 1939-40 lineup for the first quarter of the new season.

The schedule embraces: September—"Death of a Champion," 1; "Range War," 8; "Beau Geste," 15; "1,000 A Touchdown," 22; "My Love For Yours," 29.

October—"What A Life," 6; "Jamaica Inn," 15; "Television Spy," 20; "Disputed Passage," 27.

November—"Argentina," 3; "The Cat and the Canary," 10; "The Llano Kid," 17; "Rulers of the Sea," 24.

In addition to the 13, Paramount has also these four awaiting release: "Happy Ending," "Geronimo," "Seventeen" and "Our Neighbors—The Carters".

Eastman's 24-Week Net Advances to \$8,688,870

(Continued from Page 1)

of \$7,051,675, or \$3.05 a common share in the corresponding period ended June 11, 1938.

Eastman Sues Agfa AnSCO; Claims Patent Infringed

Eastman Kodak Co. filed a suit yesterday in the U. S. District Court in which it named Agfa AnSCO Corp. as defendant and charged it with infringement of a patent No. 1,905,442 issued on Apr. 25, 1933, and covering a "method of producing motion picture film."

Complaint alleges that infringement was committed by the manufacture and sale of film embodying the plaintiff's patents.

An injunction, accounting and damages are asked for in the complaint.

Allied Contends Code Not Rejected Until All Advocates Had Been Heard

(Continued from Page 1)

gations: "That Allied tricked the major sales executives into coming to Minneapolis to discuss the code when Allied leaders had already decided to turn it down; that Allied's board of directors voted to reject the code before these executives had been accorded a hearing; and that there were minor inaccuracies in the report of Allied's negotiating committee."

In addition, other charges are answered in proper order.

Allied contends that formal rejection of the code did not come until after all the proponents of the proposals had been given an opportunity to express their views. The bulletin explains that the fourth revision of the code was not received until the morning of June 12, the day before the convention opened and that after a study of the draft, members of Allied's negotiating committee agreed that if they were asked by the board for their recommendation that they would have to make an adverse report. An oral report favoring the rejection of the code was approved by the board, the bulletin continues, and a written report was then requested.

The written report, it is explained, "was not approved by the board until the morning of the 15th and was not read to the convention until after every advocate of the code had been heard."

Says "Open Forum" Pledge Kept

In contending that a full hearing on the draft was had, Allied asserts that an open forum on the code was promised and that "this promise was carried out to the letter." It is pointed out that advocates of the code, William F. Rodgers, Grad Sears, Harry Brandt, Abe Montague and Milton C. Weisman, were heard at the second business session and that "whatever chance the code had of approval by the convention was killed by the proceedings at this session," adding that "the code was murdered, not by its enemies but by its advocates."

Ballots for the secret vote on the code had been printed, the bulletin states, but that when President Cole at the final session asked the delegates to indicate whether, in view of Rodgers' remarks, they wished to proceed, "not a hand was raised."

Build-up for "Old Maid"

Warners' entire field exploitation force will be drafted to concentrate on "The Old Maid" in their territories, it was learned at the home office yesterday. Special advance sales manual in addition to the regular press book is being made available to exhibs. Pix, scheduled for national release Sept. 2, will be plugged by full page ads in the October issue of seven fan mags.

Rodgers' remarks are analyzed in the bulletin but, according to Allied, they did not enhance the prospects for favorable action on the code. Allied questions Rodgers' assertions as to the adverse consequences if the Neely Bill should pass, the outcome of the Government suit and that the majority of the exhibitors want the code.

"Cooked the Code's Goose"

The Sears-Steffes-Yamins argument over the cancellation provisions, during which the Warner Bros. sales manager contended that revenue lost through cancellations would be made up in other ways, is reprinted from the transcription, which Allied asserts, "cooked the code's goose."

Charges made by the distributors in their report on Allied's rejection of the code are answered by Allied, the text of which follows:

The claim that the board acted before the proponents could be heard: Allied contends that Rodgers could have had the opportunity to reply to the report before a ballot was taken. However, the bulletin points out that this claim is answered in foregoing paragraphs.

Claim that the code covers all subjects discussed: Allied replies to this as follows: "Had Rodgers said that the code contained every subject which the distributors were willing to discuss, he would have been more nearly correct."

Each of the other claims made by the distributors is answered in an effort to show that Allied, despite the charges, was willing to negotiate a code if it offered the right kind of relief.

"In the Clear," Allied's View

In this regard, the bulletin asserts that "Allied makes no prediction as to how the intensive drive to secure approval of the code will turn out. . . . So long as the campaign is conducted fairly and without coercion, it is a matter of indifference to Allied, since it, as an organization is in the clear and will not be affected by their individual signatures. But if it becomes apparent that coercion is being used to induce exhibitors to sign the code against their will, Allied will be both interested and active."

Para. Switches Lunceford

Paramount theater has switched the opening date for Jimmie Lunceford and his ork to Aug. 23, in turn forcing Lunceford to change his sailing date for a European concert tour. Ork is said to be the first colored combination ever to go from the 125th Apollo theater directly downtown to the Para. Latter has an option for a Lunceford return for two weeks within six months.

STOA MEET OPPOSES INCREASED RENTALS

(Continued from Page 1)

posed Fair Trade Practice Code. The resolution was introduced before the association's conference of approximately 75 members by Mitchell Wolfson of Miami.

In explaining the resolution Wolfson asserted: "We are opposed to the principle of distributors and producers of motion pictures adding 20 per cent to the cost of film rentals to make up the 20 per cent elimination of pictures which is contemplated being rented to exhibitors under the proposed Code which provides, among other things, a selectivity on the part of exhibitors."

The resolution also objected to the forced sale of shorts in order to obtain features.

M. C. Moore of Jacksonville, president of the STOA, protested increased film rentals by citing the Government report showing the rate of profit for producers.

Among other speakers were Ed Kuykendall, president of the MPTOA, Thomas E. Orr of Albertville, Ala., and Mack Jackson of Alexander City, Ala.

States represented at the meeting included Georgia, Florida, Alabama and Tennessee.

Georgia Bank Loses Move for Fox Theaters Receiver

(Continued from Page 1)

aters and for a restraining order against Milton C. Weisman and Kenneth P. Stenreich, Fox Theaters trustee, to prohibit them from dealing with the company's assets, when Federal Judge John C. Knox handed down a decision denying the application.

Judge Knox ruled that the Federal Court had no jurisdiction in the matter. In conclusion, Judge Knox stated "In making the above order, it should be understood that I have not considered the merits of petitioner's application for the relief sought."

"U" Taking 100 Critics to "Under-Pup" Premiere

(Continued from Page 1)

"The Under-Pup" opens in Scranton, Pa., Gloria Jean's home town.

More than 100 critics, correspondents and trade paper editors from every important city will attend the opening in Scranton where the picture will be shown at both the Strand and Comerford Theaters.

The Scranton premiere will be one of a series of publicity events to be staged by Universal during the two weeks Gloria Jean will visit in the East. She will appear over national networks, will be on hand for Gloria Jean Day at the World's Fair and will participate in numerous other events planned for her.

Yesterday

Who they were, where they were, and what they were—yesterday—personalities and companies of the motion picture industry.

Today

Who they are, what they are and where they are—today—these same individuals and companies who are making motion picture history.

Tomorrow

What they will be, where they will be and what they will be doing—tomorrow—Of individuals, their future plans—Of companies, their product plans and complete lineup for the coming season.

All Told in the Forthcoming

THE **Film**
DAILY

CAVALCADE

now in preparation and soon ready for distribution to all
FILM DAILY SUBSCRIBERS

Crescent Circuit Faces Trust Suit -- Washington—Anti-trust action will be started today by Thurman Arnold, assistant attorney general, in charge of the anti-trust division, against Crescent Amusement Co., Inc. and eight affiliated exhibitor companies and 11 distributors, it was announced last night by the D of J. Crescent Circuit operates 100 theaters in Tennessee, Kentucky, Arkansas, Alabama and Missouri. Suit will be filed in the Middle Tennessee Federal District Court.

DO NOT REMOVE

Intimate in Character
International in Scope
Independent in Thought

THE FILM DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 29

NEW YORK, FRIDAY, AUGUST 11, 1939

TEN CENTS

Report Warners May Enter So. American Theater Field DECISION IN 4A-IA DISPUTE DUE TODAY Report Producers-IA Pact Signed; Calls for Closed Shop

Return of IA Into Basic Agreement Pact as Bargaining Agent Imminent

Atlantic City—Contract between producers and IATSE, has been definitely signed for a five-year period calling for a closed shop, with wage scales and conditions still to be negotiated, an IA executive told THE FILM DAILY yesterday. He said that any question of the agreement being "tentative" was out of the question.

It was also indicated that any dealings with a CIO affiliate by the studios would be considered a breach of contract. This fact was interpreted as being a death blow to any possible encroachment in the

(Continued on Page 3)

CANADIAN INDIES

WILL MEET SEPT. 7

Toronto—Attended by a large number of exhibitors from all parts of Ontario who are members of the Anti-Protection League and of the Independent Theater Association, a special meeting was held in Toronto at the King Edward Hotel yesterday, when in addition to ratifying the work of the APL, the following resolution, under which

(Continued on Page 3)

Murphy Mum on Satevepost's Trust-Buster Arnold Article

By PRESCOTT DENNETT

Washington Bureau of THE FILM DAILY
Washington—A big question mark hung over the entire Thurman Arnold anti-trust crusade against

(Continued on Page 6)

Metro Sets First Pictures for Exploitation Contest

M-G-M yesterday announced the first group of pictures in its \$10,000 exploitation contest for inde-

(Continued on Page 7)

STARS FALL ON ATLANTIC CITY!

Police and Hotel Attendants Battle Mob Gaping at Players

Atlantic City—The usually staid A F of L executive session became a first class jamboree yesterday when police and hotel attendants at the Ritz Carlton battled a huge crowd of residents and vacationers who assembled to gawk at the AAAA delegation of actors and actresses.

The press on the train down was entertained most of the way by a first class demonstration of prestidigitatation by some members of the AFA "ferrets," who busily signed

(Continued on Page 6)

COLUMBIA TO ANSWER EQUITY ACTION TODAY

Columbia Pictures Corp. will file its answer today in the U. S. equity action against the majors, it was reliably stated yesterday.

With the exception of United Artists, which must file within the next two weeks, Columbia is the last major to interpose an answer in the suit.

Morris' Trip Linked With Reported WB Plans to Enter S. A. Theatrical Field

Gaumont British May Again Pay Dividends by 1940

London (By Cable) — Optimism that G-B would be in a position to resume the payment of dividends next year was expressed by Isidore Ostrer at the annual stockholders

(Continued on Page 7)

Observers Expect Labor Council to Uphold IATSE in Granting Charter to AFA; Tibbett Threatens Bolt from A F of L

By HOLLIS KENNAHAN FILM DAILY Staff Writer

Atlantic City—At 2:30 this afternoon the American Federation of Labor executive council will hand down a decision that will either settle the most bitter jurisdictional dispute in the history of the theatrical world or launch a fight that may cripple

the whole industry as neither the AAAA nor IATSE gave any indication that they would concede any ground last night.

Both sides presented their case in a five and a half hour council session yesterday afternoon, but following the suggestion of A F of L prexy, William Green, a committee of three council members was appointed to meet with both sides last night and discuss the whole situation further in an attempt to reach an equitable solution. Green pleaded for

(Continued on Page 8)

RKO SHORT CONTRACT STUDIED BY MAJORS

The new RKO license agreement may be used as a basis for other companies' contracts. Since the publication exclusively in THE FILM DAILY of the details of RKO's simplified agreement, several other ma-

(Continued on Page 6)

Week's Free Delivery for 310 Chi. Theaters

Chicago—Three hundred and ten Chicago theaters will receive one week free film delivery from the Film Carriers Association as the Carriers' contribution toward cutting down theater expenses this month.

CODE RELEASE DELAY CURTAILS PIX BUYING

Delay in releasing the Trade Practice Code plus the reported demand for higher film prices is curtailing the buying of new season product in New York State, according to a

(Continued on Page 6)

ITO of Ohio Favors Code Rejection, Smith Reports

ITO of Ohio has not officially ratified Allied's rejection of the trade practice code but the unit is in favor

(Continued on Page 6)

Small Chicago Theaters To Get License Reduction

Chicago—The City Council plans a reduction in theater license fees on smaller houses with 25 cents or less admission prices.

Rio de Janeiro (By Cable)—South American visit of Sam E. Morris, Warner vice-president, is for the purpose of making a thorough survey of the company's present first-run theater representation, with either theater purchases or direct construction of new houses by the company planned if deemed

(Continued on Page 7)

THE Film DAILY

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat				
Col. Picts. vtc. (2½%)	93½	93½	93½	+ ½
Col. Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	107½	103¼	103¼	— ½
East. Kodak	169	168½	169	— 1¼
do pfd.				
Gen. Th. Eq.	11	11	11	— 3/8
Loew's, Inc.	42¾	42	42¾	+ 3/8
do pfd.				
Paramount	9	8¾	8¾	— ¼
Paramount 1st pfd.				
Pathe Film	11½	11	11½	— 3/8
RKO	17½	17	17½	— 1/8
20th Cent.-Fox	19½	19¼	19¼	— ¼
Warner Bros.	4¾	4¾	4¾	— 1/8
do pfd.	52	52	52	

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100¼	100¼	100¼	
Loew's deb. 3½s46	103½	103¼	103¼	
Par. Picts. cv. 3½s47	90¾	90¾	90¾	— ¼
RKO 6s41	74	74	74	+ ¼
Warner Bros. dbs. 6s48	90	90	90	— ¼

NEW YORK CURB MARKET

Monogram Picts.	13½	13½	13½	— ½
Sonotone Corp.	15¾	15	15	— ¼
Technicolor				

Kliman Funeral Held

Syracuse, N. Y.—Funeral services were held yesterday for Myer Kliman, owner of the Hollywood, in suburban Mattydale, who died in University Hospital of the Good Sheperd after an illness of several months. Kliman was formerly the owner of the Melba, now the James, in Eastwood. His wife, four daughters, a brother and a sister survive.

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

Springfield's Paramount Reopens; TMAT Picketing

Springfield, Mass.—When the Paramount Theater reopened at 11 p.m. yesterday after a two-month's shut-down, the place was immediately picketed in protest over the discharge of the former manager and his two assistants, all members of the TMAT. There were four pickets carrying placards alleging the theater was unfair. Harry Storin, former manager, led the line. Four policemen were stationed in front of the theater but there was no disorder.

This is the first labor demonstration in New England involving members of the TMAT. Eight other union employees of the Paramount, including four operators, two stage hands and two mechanics, reported as usual and the theater was in operation.

Nathan E. Goldstein, president of Western Massachusetts theaters, had no statement.

Hearing on RKO Allowance Applications is Deferred

Consideration of the application of the Chemical Bank & Trust Co., as RKO trustee under a collateral note indenture and of its attorneys Wright, Gordon, Zachary & Parlin, for allowances in the RKO proceedings was deferred yesterday by Federal Judge William Bondy until date of final applications.

Each of the applicants has previously received \$10,000. The bank is now seeking \$29,375 in commissions and \$3,009 in expenses, and its attorneys are asking for \$20,000.

GN Will Ask Alperson File Particulars Bill

Grand National Pictures, Inc., Educational Pictures, Inc., and E. W. Hammons, Educational president, filed notice yesterday in the Federal Court that they will apply on Aug. 15 for an order directing Edward L. Alperson to file a bill of particulars.

Alperson is plaintiff in a suit claiming breach of contract in which he is asking for \$100,000 damages against Educational and Hammons and \$35,525 and 10,000 shares of stock against Grand National.

Co-op Defendants Still Unserved in MT's Suit

Detroit—No answer has been filed in the suit of Midwest Theaters against Cooperative Theaters, charging the booking combine with conspiracy, etc. Spokesman for Cooperative said that all defendants have not been served, and it may take several weeks to locate all of them. In particular, Carl Buermele, general manager, has not been served, and declined to comment for that reason.

C. S. Wilcox Buried

Boston—C. S. Wilcox, late operator of the Orleans Theater on Cape Cod, was buried yesterday.

Plagiarism Action Filed Against Roach and Metro

Plagiarism suit for injunction, accounting and damages was filed in Federal Court yesterday by Isabella Knotter against Hal Roach Studios, Inc., Metro Goldwyn Pictures, Corp., M-G-M Distributing Corp., Loew's, Inc., and Culver Export Corp.

Plaintiff claims to have submitted her story, "So Zwei Pechvogel," or "Two Down and Outs," to the Hal Roach Studios on July 16, 1937, which was allegedly infringed in the film "Swiss Miss" and "Au Far West." Her manuscript had been returned in August, 1937, with a notation stating that it had been unread, the complaint stated.

Trans-Lux Six Months' Net Profit at \$39,126

Consolidated net profit of Trans-Lux Corp. and wholly-owned subsidiaries for the six months ended June 30, amounted to \$39,126.59, which is less by \$51,463.33 than for the corresponding period a year ago when net was \$90,589.92.

Total net income before provision for income taxes during the first six months of the current year was \$48,280.48 as against \$102,098.47 in first six months of 1938.

State, Federal and Canadian income tax provision amounted in the first six months of 1939 to \$9,153.89, compared with \$11,508.55 in similar period of 1938.

B. F. Keith Corp. Acquires Boston's Memorial Theater

Boston—The largest Boston real estate transaction in years was revealed yesterday with confirmation of the sale of the RKO Keith Memorial Theater property. The B. F. Keith Corp., lessees, bought the building from Harvard College. Assessed valuation on the property is \$1,700,000. The theater was constructed 10 years ago on the site of the old Boston theater as a perpetual memorial to the late B. F. Keith.

120,000 See 20th-Fox "S & L" in Roxy Week

"Stanley And Livingstone" finished its first week at the Roxy in New York yesterday with an attendance figure that topped 120,000, breaking all house records since "Jesse James," it was announced by 20th Century-Fox. Picture is reported to be maintaining the same strong pace in five key city pre-release engagements.

Cities in which top business is reported include Los Angeles, San Francisco, San Diego, Boston and Washington, D. C.

Defer Myers' Testimony

Chicago—Sam Myers' testimony in the so-called Ford theater case was postponed to Aug. 18 by agreement between attorneys yesterday.

COMING AND GOING

JOHN BALABAN and NATE PLATT leave Chicago for a Canadian fishing trip today.

EMANUEL MANHEIM, Hollywood screen and radio writer, is visiting Syracuse, the old home town.

IRENE RICH, film and radio star, has been in New York from the Coast and is stopping at the Waldorf-Astoria.

J. J. MILSTEIN, eastern representative for Edward Small Productions, leaves Port Washington tomorrow morning for London aboard the Yankee Clipper.

BETTY FIELD, who has been signed by Hal Roach for leading feminine role in "Of Mice and Men," left New York yesterday by plane for Hollywood.

JOHN GRIERSON, member of Britain's Cinematograph Films Council has arrived in New York from Canada and is stopping at the Warwick Hotel.

ROBERT STEVENSON, film director, and his wife, professionally known as ANNA LEE, arrive in New York from Europe on Monday aboard the Normandie.

FRED ULLMAN, RKO-Pathe News vice-president, returns to New York early next week following visits to several western states to arrange for filming of series of shorts.

JOHN HENRY is coming!

TED REED, director of Paramount's "What a Life," arrives in New York Monday from Hollywood, accompanied by DON HARTMAN, who scripted the film.

DAVID NIVEN, having completed role in Walter Wanger's "Eternally Yours," arrives in New York Monday from the Coast by plane en route to England.

I. E. LOPERT, president of Pax and Juno Film companies, arrives in town Sunday from an extended visit in Hollywood.

MAURICE STRELETSKY, assistant manager of the Capitol Theater, Allston, Mass.; NATHAN LEVIN, manager of the Dudley Theater, Roxbury, Mass.; DAVID O. PAYNE, of Lakeland, Fla., accompanied by MRS. PAYNE who is associated with the Sparks Circuit; WILLIAM H. RIPPARD, who operates the Eaco and Lee Theaters, Farmville, Va., accompanied by his daughter; DR. J. R. WILSON, member of the Georgia State Welfare Board, accompanied by his brother, J. E. WILSON, were recent visitors to Paramount's World's Fair Lounge in the home office.

J. H. HOFFBERG left New York last night for the Coast.

ARTHUR NEWMAN, manager of Republic's Albany exchange, who has been in New York for the past several days for confabs with Jack Bellman, company's eastern district sales manager, on up-State circuit deals, returns to Albany today.

BEN SIMONS, manager of Loew's Metropolitan, Brooklyn, is at Scroon Lake, N. Y.

GENE MURPHY of Loew ad staff is vacationing at Fire Island.

Milstein Via Clipper

Entering the claim of being the first member of the film industry to use the new trans-Atlantic flight service for a regular business trip, J. J. Milstein, eastern representative for Edward Small Productions, is scheduled to board the Yankee Clipper at Port Washington tomorrow for England. In London, Milstein will make preparations for British premiere of "The Man In The Iron Mask," which is set for the Odeon Theater there on Sept. 4.

To Dealers, Distributors, Theatre Owners

The New Pictur-Fone "Third Dimension" Sound Equipment is without a doubt, the best investment any theatre owner can make. Write for information. Dealers Wanted Everywhere.

PICTUR-FONE COMPANY, LIMA, OHIO

CANADIAN INDIES WILL MEET SEPT. 7

(Continued from Page 1)

a national convention has been called for Sept. 7 in Toronto, was adopted:

Whereas under the sponsorship of this association (the ITA) the APL of Canada was formed for the purpose of correcting evils existing in the film business in the matters of prolonged protection and unfair priority, and whereas a large number of independent exhibitors in Canada have expressed through written pledges their sympathy and determination to fight with the movement, and whereas it is felt that the league is now sufficiently strong to carry out its purpose, be it therefore resolved:

"That a national convention of all independent exhibitors in the Dominion of Canada be called as soon as possible in order that all exhibitors may express their viewpoints on the subject of a definite policy and campaign to be set forth at this meeting. Be it therefore resolved that the secretary forthwith notify all exhibitors' associations of the Dominion of such a meeting with invitation to attend either collectively or by representatives."

Hakim, French Producer, May Make Pix on Coast

Ralph Hakim, noted French producer, left for Hollywood last night for the purpose of investigating the possibilities of producing on the Coast. Before departing, Hakim announced that he acquired the American rights to Marcel Pagnol's "The Baker's Wife."

Krieger Back In Biz

Pittsburgh — Louis Krieger, who entered the business 31 years ago but has not been active for the past several years, has opened an office here at 1022 Forbes St., for International Pictures Distributing Co.



Best wishes from THE FILM DAILY
to the following on their birthdays:

AUGUST 11

Jean Parker Samuel Bischoff
Hobart Bosworth

AUGUST 12

Cecil B. De Mille Mort Spring
Hal Horne Ben Hersh

AUGUST 13

Alfred Hitchcock Leo Brecher
Charles "Buddy" Rogers Gene Raymond
Mary Duncan Gloria Dickson
Regis Toomey W. E. Green
Sam Taylor

ALONG THE



WITH PHIL M. DALY

● ● ● THERE are campaigns and campaigns.....but definitely in the honey class.....is that \$250,000 pre-selling advertising campaign.....which Metro is putting behind....."The Wizard of Oz".....Summarizing, here's the circulation garnered.....In Magazines: Lion's Roar column, 26,621,029.....general magazines.....24,429,705.....fan magazines, 4,544,808.....juvenile magazines, 1,046,091.....farm magazines, 7,995,138.....total magazine circulation, 64,736,771.....In newspapers: Sunday comics, 13,721,764.....in dailies, 13,454,318.....total newspaper circulation, 27,176,082.....which means a grand total circulation of 91,912,853.....and of course, there's lavish use of color.....and as for the copy.....well, it's Metro advertising.....need we say more.....

● ● ● NEWLY organized Association of Documentary Film Producers.....today has two honorary members.....Distinction was conferred on John Grierson, member of the highly important British Films Council.....and Robert Flaherty, director.....at a party last night.....at the home of the ADFP's treasurer, William Osgood Field.....Among those present were.....Paul Strand, William Van Dyke, Lionel Berman, Mary Losey, Irving Jacoby.....Joseph Losey, Julien Bryan, Ralph Steiner, Jean Lenauer, Mrs. Sheldon Dick.....Fanning Hearon, John Devine, Leo Hurtiz, Archer Winsten.....

● ● ● DONALD DUCK is slated for a big build-up.....at the World's Fair next Monday.....when the children of the world will bestow on him.....the degree of D.I.F.....which means Doctor of International Friendship.....Two kids from each nation will participate in the festivities which include a luncheon, parade and a special screening.....of "Beach Picnic".....Donald's latest....."Toni" Spitzer of the RKO publicity department.....is really going to town on the stunt.....Incidentally.....It looks as if Donald is pushing Mickey Mouse in the background.....Of the 14 Disney shorts completed for the current season's program.....12 star Donald.

● ● ● ODD thoughts and other things.... ● In retrospect, a doff of the lid.....to the Metro exec.....who decreed sepia for the nominal prologue and epilogue.....of "The Wizard of Oz".....and Technicolor for the dream footage.....It materially heightens the contrast.... ● Wonder how many exhibs.....own and fly their own planes?.....Offhand, we can only think of Willis Houck.....down Louisiana way.... ● The Circus Saints and Sinners.....will unveil a monument to the memory of.....Dexter Fellows.....one of the ablest p.a.'s.....we ever knew.....in New Britain, Conn., on Nov. 26.....the second anniversary of his death.... ● The American Hebrew's issues of Aug. 11 and 18.....will carry "Forgotten Patriot".....by WMCA's Martin Starr.....It's the story behind the story.....of Warner's Haym Salomon featurette, "Sons of Liberty."... ● Says Nate Golden of the D of C's Motion Picture Division....."Factual motion pictures of American productive processes and economic activities.....are destined to win for themselves.....a tremendously significant and rapidly growing place.....in the entire field that we broadly designate as 'educational'.... This column concurs.....

« « « » » »

PRODUCER-IA PACT INCLUDES CLOSED SHOP

(Continued from Page 1)

studios of the USTG, believed to be CIO financed.

Return of the IATSE into the basic pact as a bargaining agent for the studio crafts under their jurisdiction was also reported to be imminent. However, it was said that the locals on the Coast would in all probability retain their complete autonomy otherwise. An invitation for the IA to return has already been extended and is now being considered by the international's officers.

Agreements between the producers and the AFM, IBEB, carpenters and teamsters will in all probability also be included in the near future, it was said.

Gatelee Attacks NLRB; Calls It Menace to Organized Labor

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood—In attacking the act of NLRB, which recounts that the tentative closed shop agreement between IATSE and the producers would be subject to the outcome of proceedings in connection with a petition for election among studio workers to determine whether IA or USTG will be the collective bargaining agent, John T. Gatelee, international representative of IA, declared that the NLRB is a menace instead of an assistance to organized labor.

He stated that if the Labor Board had not interfered, IA studio crafts would have had a contract with increased wages last March and he further asserted that the Board has cost IA members at least \$500,000 since Mar. 15.

Gatelee insisted that the closed shop agreement was legitimate and that IA intends to make it stick.

Minneapolis Tribune Will Publish Evening Paper

Minneapolis—F. E. Murphy, publisher of the Minneapolis Tribune, announced yesterday that starting next Monday, there will be two Tribunes. The Morning Tribune will be published each morning and Sunday, and the Times-Tribune will be the evening paper. Merle Potter, former motion picture critic on the Journal, which was purchased last week by the Star, will be critic on the Times-Tribune.

Detroit Biz Better

Detroit — Local show business has shown a decided pickup in recent weeks. Downtown houses are generally doing some 10 per cent better than earlier in the summer, while nabes aided by stronger bills, are also getting fair crowds. Uptown business has been remarkably helped by resort trade.

OZ

READY! SET! GO!—This industry is talking about nothing else but the greatness of M-G-M's "THE WIZARD OF OZ". The preview confirmed advance reports that it is one of the biggest box-office sensations of all time. 400 happy theatres are about to play it in the largest simultaneous booking of film history. M-G-M has set the stage. The American public is waiting!

\$250,000 CAMPAIGN!

NATIONAL MAGAZINES

Full-page, full color ads

MAGAZINE	ON SALE	MAGAZINE	ON SALE
WOMAN'S HOME COMPANION	Aug. 5	GOOD HOUSEKEEPING	Aug. 20
LADIES' HOME JOURNAL	Aug. 9	PARENTS'	Aug. 15
McCALL'S	Aug. 10	LIFE	Aug. 25
AMERICAN	Aug. 5	SATURDAY EVENING POST	Aug. 23
REDBOOK	Aug. 5	LIBERTY	Aug. 16
COSMOPOLITAN	Aug. 1		

JUVENILE MAGAZINES

Full-page, 2-color ads

AMERICAN BOY	Aug. 20	AMERICAN GIRL	Aug. 28
BOYS' LIFE	Aug. 20	OPEN ROAD FOR BOYS	Aug. 20

FAN MAGAZINES

2-color, 2-page spreads

SCREEN BOOK	Aug. 1	MODERN SCREEN	Aug. 1	SCREEN GUIDE	Aug. 1
HOLLYWOOD	Aug. 10	MODERN ROMANCES	Aug. 1	SCREENLAND	Aug. 3
MOTION PICTURE	July 25	MOVIE MIRROR	July 25	SILVER SCREEN	Aug. 12
MOVIE STORY	Aug. 1	PHOTOPLAY	Aug. 10	MODERN MOVIE	Aug. 1

2-page spread, 1-color

PICTURE PLAY	Aug. 1	SCREEN ROMANCES	Aug. 1	MOVIE LIFE	Aug. 5
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COMIC SUPPLEMENT ADS

Full-page 4-color ads (just like the funnies) in 29 newspaper in 21 cities!

CITY	NEWSPAPER	
ALBANY	Times-Union	Aug. 20
ATLANTA	American	Aug. 20
BALTIMORE	American	Aug. 20
	Sun	Aug. 27
BOSTON	Advertiser	Aug. 20
	Globe	Aug. 27
BUFFALO	Courier Express	Aug. 20
CHICAGO	Herald Examiner	Aug. 20
	Tribune	Aug. 27
CLEVELAND	Plain Dealer	Aug. 20

CITY	NEWSPAPER	
DETROIT	Times	Aug. 20
	News	Aug. 27
LOS ANGELES	Examiner	Aug. 20
MILWAUKEE	Journal	Aug. 27
	News Sentinel	Aug. 20
NEW YORK CITY	Journal-Amer.	Aug. 20
	News	Aug. 27
PHILADELPHIA	Inquirer	Aug. 20
PITTSBURGH	Press	Aug. 27
	Sun Telegraph	Aug. 20

CITY	NEWSPAPER	
PROVIDENCE	Journal Bulletin	Aug. 20
ROCHESTER	Dem.-Chronicle	Aug. 20
SAN ANTONIO	Light	Aug. 20
SAN FRANCISCO	Examiner	Aug. 20
SEATTLE	Post Intelligencer	Aug. 20
ST. LOUIS	Post Dispatch	Aug. 20
SYRACUSE	American	Aug. 20
WASHINGTON	Star	Aug. 27
	Times Herald	Aug. 20

NATION-WIDE TEASER ADS

100-line insertions have been running for months in 99 newspapers in 43 cities radiating national coverage

ALBANY • ATLANTA • BALTIMORE
BOSTON • BRIDGEPORT • BUFFALO
CHARLOTTE • CINCINNATI • COLUMBUS
DALLAS • DAYTON • DENVER
DES MOINES • EVANSVILLE
HARRISBURG • HARTFORD • HOUSTON

INDIANAPOLIS • MILWAUKEE
MINNEAPOLIS • NASHVILLE
NEW HAVEN • OAKLAND • OMAHA
OKLAHOMA CITY • PHILADELPHIA
PITTSBURGH • PORTLAND
PROVIDENCE • ROCHESTER • ST. LOUIS

ST. PAUL • SALT LAKE CITY
SAN ANTONIO • SEATTLE
SPRINGFIELD • SYRACUSE • TULSA
WASHINGTON, D. C. • WATERBURY
WILMINGTON • WORCESTER

RECORD PUBLICITY RESULTS

Never such a barrage of pre-release publicity as that which greets "The Wizard of Oz"! Just a fraction of it listed below!

Most of publications mentioned hereunder will be on sale during July, August or September. List incomplete

COSMOPOLITAN: Story in the August issue, entitled "Hollywood Discovers We Never Grow Up," by Florence Ryerson and Edgar Allan Woolf; illustrated by stills from the production.

GOOD HOUSEKEEPING: General production story by Jane Hall, illustrated by production stills. "The Wizard of Oz."

LIFE: Two-page spread in color, using our kodachrome production stills, in issue dated July 17th. "Dazzling Brilliance Marks M-G-M's Color Version of 'The Wizard of Oz'."

VOGUE: Full color page, using one of our kodachromes.

RED BOOK: Has selected THE WIZARD OF OZ as "Picture of the Month"; will use a layout of kodachromes from the production.

AMERICAN: Using our kodachromes.

COUNTRY GENTLEMAN: Stills of Judy Garland and Billie Burke from the production.

LOOK: Layout.

GLAMOUR: Layout and stills.

McCALL'S: Layout

TOWN AND COUNTRY: Layout.

NEWSPAPERS, out of town, which use **ROTOGRAVURE:** Full page layouts.

TRIBUNAL, OPEN ROAD FOR BOYS, INSTRUCTOR, GRADE TEACHER, SCHOLASTIC, BOYS' LIFE, AMERICAN BOY, YOUNG AMERICA, CATHOLIC BOY, PARENTS': Story material and layouts for August and September breaks.

NORTH AMERICAN NEWSPAPER ALLIANCE (serving 100 newspapers, including 50 large metropolitan dailies); Victor Fleming life story installment with art, to break simultaneously with our play dates.

BOYS' LIFE: Layout "Movies of the Month."

FAWCETT PUBLICATIONS, including **HOLLYWOOD, MOTION PICTURE, SCREEN BOOK, MOVIE STORY:** Layouts and production stories.

PHOTOPLAY: Several pages of layout and a production story by Dixie Willson. "The Wizardry of Oz."

PICTURE PLAY: Double-page layout.

MOVIE MIRROR: "It's All a Dream!"

SCREEN GUIDE: Double-page layout in color, using our kodachromes.

MODERN SCREEN: Layout.

SCREEN ROMANCES: August cover and fictionization. "Wizard of Oz."

SCREENLAND: Layouts. "Judy's Crushes" by May Mann

SILVER SCREEN: Layouts. "Marvels of Make-up."

MODERN MOVIES: Production story and layouts.

MOVIE LIFE: Cover and life story of Judy Garland. "Movie Life of Judy Garland."

PIC: Layout. "The Top Ten—Why."

HOLLYWOOD: On "The Wizard of Oz" set.

SCREEN BOOK: "This Dream Cost \$3,000,000."

FAMILY CIRCLE: "The Wizard of Oz"—Dudley Early.

MOVIES: "Hollywood finds the Wizard."

SUNDAY MIRROR (N. Y.): Magazine Section. Front Cover, August 20, 1939.

M-G-M's Technicolor Wonder Show "THE WIZARD OF OZ" with Judy Garland • Frank Morgan • Ray Bolger Bert Lahr • Jack Haley • Billie Burke • Margaret Hamilton • Charley Grapewin and The Munchkins
A VICTOR FLEMING Production • Screen Play by Noel Langley, Florence Ryerson and Edgar Allan Woolf • Music and Lyrics by Harold Arlen and E. Y. Harburg • From the Book by L. Frank Baum • Directed by Victor Fleming • Produced by MERVYN LEROY



CODE RELEASE DELAY CURTAILS PIX BUYING

(Continued from Page 1)

survey being conducted by Allied of New York.

Questionnaires sent to exhibitors throughout the state on Aug. 1 are bringing replies that indicate that new product buying is virtually at a standstill. Only a very small percentage of the approximate 400 questionnaires have brought out the information that definite contracts have been made for the 1939-40 programs.

While the questionnaires do not ask for specific reasons why the recipients have not bought new programs, it is indicated that many are waiting to see how the code, if and when adopted, will affect the contracts, even though it has been announced that all new pacts will be retroactive to June 1.

Several of the answering exhibitors claim that the distributors are asking 20 per cent higher prices this season over last, indicating that they prefer to wait until the prices come down before signing.

It is reported that the Brandt circuit and others in the Metropolitan area are withholding new contracts for the same reasons.

Stars Fall on Atlantic City; Police Battle Mob of Curious

(Continued from Page 1)

up three members of Harry Richman's show for AGVA during their brief stay here.

Yesterday was the first time some of the acting delegation had been up before noon in some years, and there were a number of protests at the glaring qualities of the sun.

The AAAA delegation checked into the Traymore, but when they found that the hotel was having a spot of trouble with the musicians union they hastily shifted their headquarters to the Ritz.

Fake newspapers were planted in the mail boxes of the AFA executives by the "ferrets" with a banner headline announcing that Atlantic City welcomed the Broadway "ferrets."

Press barrage by the AAAA continued unabated with every newspaperman and broadcasting company representative rounded up to talk to any and all members of the delegation. Copious quantities of releases poured from their press department and the reporters were sagging under the burden before they left.

Attempts to broadcast by several stations were fraught with disaster as there was too much confusion. People were still outside when we went to bed, in the hope that some star or other would show up in front of the hotel.

One enterprising native offered to sell the identity of the stars to the people in front of the hotel as they came and left.

REVIEWS OF NEW FILMS

"Our Leading Citizen"

with Bob Burns, Susan Hayward,
Joseph Allen

Paramount

89 Mins.

POWERFUL STORY WHOSE ROUSING THEME AND ACTION MAKE IT STAND-OUT ENTERTAINMENT.

Striking at the very core of the present-day American social scene with a vigor unsurpassed by any contemporary photoplay, here is a dynamic screen document of both patriotic and human significance. Its merit only just commences with these latter factors, for the other elements which make for its rugged audience appeal spring from the rare blending of Irvin S. Cobb's original story, John C. Moffitt's excellent screenplay, Al Santell's superb direction, and the consistently skillful photography of Victor Milner. Additionally, the film is eloquent testimony of Producer George Arthur's ability, vision and care. Moreover, it is outstanding entertainment, packed with action, rousing situations, drama, romance and emotion, and, above all a message to every American regardless of age. Thus on the two counts which spell value to the showman,—power to score decisively with every type of audience, and tremendously worth-while content,—it is a "must" booking for every theater. Bob Burns, who heads a meticulously chosen cast, carves a new niche for himself in the cinema realm via his characterization of the lawyer whose silent guide is the example set by the life, actions and philosophy of Abraham Lincoln. Practicing in a once small town, which has evolved into an industrial city with all the attending assets and liabilities which modern progress brings, Burns never loses his ideals, nor his sense of justice to the poor. His deceased partner's son, portrayed by Joseph Allen, in love with Burns' daughter, Susan Hayward, joins the firm, but anxious for quick success and considering the old fashioned law offices out of keeping with the modern mood and tempo, moves over to grandiose quarters supplied by the city's most powerful industrialist who is bent upon using the boy's good name as a political stepping stone to gain patronage. The chasm between Burns and the boy widens when the unscrupulous industrialist precipitates a strike in his great mill. Then the film rises to pulsating heights depicting the chaotic riots, suffering and death caused by the importation of strikebreakers. Cleaving of Burns to human ideals, irons out the hectic situation; heals the breach between himself and the boy; and brings the industrialist, played by Gene Lockhart, to justice, together with the magnate's evil henchmen. At the finale, Burns is nominated by his young partner for the office of U. S. Senator, and, of course the lovers are reconciled.

CAST: Bob Burns, Susan Hayward, Joseph Allen, Elizabeth Patterson, Gene Lockhart, Charles Bickford, Otto Hoffman, Clarence Kolb, Paul Guilfoyle, Fay Helm, Kathleen Lockhart, Hattie Noel, Kathryn Sheldon, Monte Blue, Jim Kelso.

CREDITS: Producer, George Arthur; Director, Al Santell; Screenplay, John C. Moffitt; Author, Irvin S. Cobb; Cameraman, Victor Milner.

DIRECTION, Excellent. PHOTOGRAPHY, Fine.

"Miracles for Sale"

with Robert Young, Henry Hull,
Florence Rice, Frank Craven

M-G-M

71 Mins.

SWELL MURDER MYSTERY WITH MAGICIANS AND MYSTICS WILL HOLD ATTENTION OF ANY AUDIENCE.

Neatly worked out, capably acted and well framed in a background of magic, mysticism and plain murder, this film should hold the attention of any audience. It has a snappy pace and a happy ending, but we can't reveal the murderer. Robert Young is fine as a manufacturer of magicians' tricks and Florence Rice is attractive and capable as the love interest. Henry Hull gives a good performance as a magician and Frank Craven is well cast as Young's father. Remainder of the cast is comprised of seasoned troupers who know their business. Young meets Florence when she runs into his shop to escape a man who is following her. She won't tell him what is wrong, but on a hunch he follows her. A mystic is murdered and suspicion falls on a lot of people, including Florence, who were in or near his apartment some time around the time of the murder. Young trails the man he suspects only to find he has also been murdered. Trap doors and all sorts of amazing gadgets continually pop in and out of the film for added thrills. Finally, Young devises a scheme for trapping the murderer which is successful. Without a big name cast, and apparently not produced as a super colossal epic, this picture, however, has as much entertainment value as any audience could ask for.

CAST: Robert Young, Florence Rice, Frank Craven, Henry Hull, Astrid Allwyn, Walter Kingsford, Lee Bowman, Cliff Clark, Frederic Worlock, Gloria Holden, W. Demarest.

CREDITS: Produced by M-G-M; Director, Tod Browning; Screenplay, Harry Ruskin, Marion Parsonnet and James E. Grant; Based on a book by, Clayton Rawson; Cameraman, Charles Lawton; Editor, Frederick Y. Smith.

DIRECTION, Good. PHOTOGRAPHY, Good.

Broadcasters Name Kaye As Copyright Counsel

The copyright committee of the National Ass'n of Broadcasters yesterday appointed Sidney Kaye as special copyright counsel to draft a "model plan" in which would be collated the ideas and proposals developed by the committee during the past two days and those advanced by Neville Miller, president of the NAB.

This "model plan" will be presented to the NAB meeting to be held in September, after the copyright committee has given it careful study.

Purpose of the plan is to find a source for music for broadcasting use independent of Ascapi.

Pictorial Gets Rights

Pictorial Films, 1650 Broadway, has acquired exclusive world 16 mm. distribution rights to "Fury and the Woman" and "What Price Vengeance."

RKO SHORT CONTRACT STUDIED BY MAJORS

(Continued from Page 1)

major companies have requested copies for study.

A standard exhibition contract has been outlawed, but the apparently is nothing to prevent similarity in agreements.

Murphy Mum on Satevepost's Trust-Buster Arnold Article

(Continued from Page 1)

American industry in general and the film industry in particular yesterday as Attorney General Frank Murphy at his Justice Department press conference rigidly refrained from all comment on the latest expose of Arnold's trust-busting methods.

The article on which the correspondents sought the Attorney General's opinion is the lead-off length story in the current issue of The Saturday Evening Post: "Trust Buster—The Folklore of Thurman Arnold," written by Joseph Alsop and Robert Kintner.

Inquiries at Arnold's office revealed that he "fully approves" the clownish approach to his serious problems and indicates that Murphy's subordinate actually approved the article appearing in the nation's biggest anti-New Deal publication in advance of publication.

Although not standing back of the Post article in its entirety, Arnold has let it be known that he feels the press reports on the article "misconstrue" and "misinterpret the spirit of the article as a whole."

Particularly offensive to him is the headline of the Washington Times-Herald reading: "Arnold Trust Drive a 'Joke' Article Says." The Saturday Evening Post's actual term is a "cosmic joke."

It was disclosed that Murphy had a closed conference most of Wednesday afternoon when, it is understood, the article was discussed in detail.

Murphy met questions regarding the Post article with a terse: "No comment." He stated also he was not familiar with any Justice Department move to institute suit against a movie chain in Florida.

ITO of Ohio Favors Code Rejection, Smith Reports

(Continued from Page 1)

of the national organization's stand, Martin Smith, ITO president, said yesterday in New York.

Smith said there had been no meeting of the unit since the national convention in Minneapolis but that the Ohio body was one of Allied's staunchest supporters and that its members were in complete sympathy with Allied's policies.

Smith was here to attend a meeting of the Theater Underwriters Assn. and returned to his home in Toledo last night.

WARNERS MAY ENTER S. A. THEATER FIELD

(Continued from Page 1)

necessary, it is reliably learned here.

Morris arrived in this city yesterday from New York on the S.S. Argentina. His trip is considered highly significant in film circles here as it closely follows similar visits by other top execs. of the leading American distributing concerns.

The Warner exec. will hold conventions in both Rio and Buenos Aires which will be attended by representatives of the company from all over S. A. Company policies and the forthcoming product are slated to be the principal topics of discussion. Final plans will also be polished on the scheduled intensive advertising and publicity campaigns the company will put behind some of their new pictures.

Metro Sets First Pictures for Exploitation Contest

(Continued from Page 1)

pendent exhibitors in the U. S. and Canada. More than 1,000 entry blanks already have been received for the contest which embraces all M-G-M pictures to be released between Sept. 1, 1939, and Jan. 1, 1940. It also was announced that "The Wizard of Oz" would be eligible.

About 18 pictures will be released during the period, including "The Women," "Marx Brothers at the Circus," "Babes in Arms," "Ninotchka," "Broadway Melody of 1940," "Henry Goes Arizona," "Dancing Co-ed," "Thunder Afloat," "Remember," "Another Thin Man" and "Balalaika."

There will be identical prizes for first-run and subsequent-run exhibitors, with first place in each category winning \$2,500; second, \$750 and third, \$500. There will be 100 additional prizes of \$25 each. The contest closes March 1, 1940.

Entry blanks are available at all company exchanges.

Light Urges Use of Films

Charles Light, well known in the commercial film field, urged the more extensive use of educational motion pictures in establishing better international relationships in address over the Columbia network last night. Light was one of the speakers on a program commemorating the 130th anniversary of Ecuador's independence. He is one of the directors of the Ecuadorian-American Chamber of Commerce.

WEDDING BELLS

Carlsbad, N. M. — Miss Thelma Parrish, cashier at the Cactus Theater here, and Fred DeOliveira were married in Pecos.

Free Milk

Chicago—Eugene Arnstein of the Garfield theater, Milwaukee, will give away several thousand pints of milk to the youngsters who attend the matinees at the house, to boost the Drink More Milk campaign, now under way in that territory.

Gaumont British May Again Pay Dividends by 1940

(Continued from Page 1)

meeting at the New Gallery theater here yesterday.

Sidney R. Kent, president of 20th-Fox; Maurice Ostrer and Allan E. Messer were re-elected directors, succeeding themselves.

Stockholders expressed minor opposition to the board's policy, but fireworks, expected to center on the company's production policy and the current Board of Trade probe of company affairs, failed to materialize.

The annual report and accounts, showing profit of \$3,567,490, was passed at the meeting. Report listed the available balance at \$887,185, with \$500,000 transferred to the reserve and the remainder carried forward.

According to the directors' report, there has been in the aggregate a moderate decrease in profits derived from the directly owned theaters and dividends received from theater owning subsidiaries. The standard of theaters within the group has been well maintained.

G-B Distributors, which produces Gaumont-British News for GFD release, has again had a successful year, and profits of Bush Radio have increased substantially though dividend remains approximately the same.

Referring to the production agreement entered into with GFD, the report states that the proportion of cost to be provided by the Corporation will be less than that contributed towards the cost of films already produced in conjunction with GFD.

\$14,375,000 General Reserve for Associated British Pix

London (By Cable) — Associated British Picture Corp. will have a general reserve of approximately two and a half times its ordinary share capital as a result of action authorized at the annual stockholders meeting Wednesday.

Appropriation to reserve for depreciation and amortization of \$1,000,000 and to general reserve of \$1,250,000 was authorized. This brings the general reserve up to \$14,375,000.

Company's record net for the year ending March 31 was \$6,735,005. Final dividend of 10 per cent on the ordinary shares will be paid Aug. 31, making 20 per cent for the full year as in 1938.

Consolidated statement shows ABP and subsidiaries to have total assets of \$89,012,600.

Stockholders re-elected R. G. Simpson as director.

Ready Reference Directory

WHAT TO BUY . . . WHERE TO BUY

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Architect

★ 1560 Broadway ★
New York City

★ ARTISTS ★

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BRyant 9-4153-4

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Complete Decorating and Draperies
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1481 Broadway, New York City

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The Season's Box Office Smash
"BALLERINA"

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340 W. 39th Street, New York City

Line and halftone plates

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(Day and Night Service)

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COLUMBUS 5-6741-2-3

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16 WAYS TO WIN

CIRCUS JUMBO GAMES, INC.

351 W. 44th St. Clr. 6-8690

Samuel Licht, Gen. Mgr.

Pep Up Your Box-Office!

70 Ways To Win
B I N G O

PREMIUM PRODUCTS

354 W. 44th St., N. Y. C. CI 6-4972

★ LIGHTING ★

CHARLES ROSS, Inc.

Formerly Motion Picture Lighting and

Equipment Corp.

WE FURNISH

Electrical Lighting Equipment

of Any Kind

244 W. 49th St. NEW YORK CITY

Circle 6-5470-1

Mediation Committee Seeks Way Out of 4A-IA Tangle

Browne Leaves Defense of IA's Action to Vice-Presies

(Continued from Page 1)

a tolerant and fair view of the case by both sides. Mathew Woll of the Photoengravers Union and Thomas A. Rickert of the United Garment Workers met with both sides last night as Dan Tobin, third committee member, was unable to attend the huddles.

May Uphold IA on AFA Charter

With meetings lasting way into this morning, it was the opinion of impartial observers that indications pointed to the IA being upheld by the A F of L in granting a charter to the AFA, but as to what the council will rule on IA President George E. Browne's claim for jurisdiction over the entire acting field, it was impossible to get an opinion.

Green, at a press conference last night, when asked about the AAAA claim to jurisdiction over the entire acting field, stated that A F of L records failed to show where specific jurisdiction of the AAAA had ever been clearly defined. He characterized their claims on old records of the "White Rats" union as a specious argument.

Ouster of Browne from the council room was asked by the 4 A's but Green ruled that he could remain as long as he was a council member, but could not vote on settling the issue.

The 4 A's were heard first with Frank Gillmore, president, demanding that Green notify all state and central bodies that the AFA is not any longer affiliated with the A F of L; that the executive council declare void the "alleged" charter issued to the AFA by the IATSE; and that the IA withdraw from the actors' field. Gillmore also questioned the procedure which led Green to notify the Los Angeles Central Labor Council that, notwithstanding the expulsion of the AFA from the AAAA, the AFA is still recognized as part of the A F of L.

Calls Browne's Act Unlawful

Gillmore also assailed the right of Browne to issue the charter, asserting it was an unlawful act, and one that the AAAA would continue to maintain was unlawful both before the A F of L convention and also in court, if necessary.

Ken Thomson followed Gillmore, and gave a detailed outline of the actors unions' claims to their jurisdiction, and cited records to support his contentions. He traced the history of the organization back to the days of the "White Rats."

Thomson, in addition to delving into a number of records which the AAAA presented as evidence to support its claims, attacked the jurisdictional claims of the IA and presented a summary of evidence regarding the IA charter which, he contended, clearly established the fact that it had no jurisdiction what-

"A Fountain Pen Can Be as Dangerous as a Snake," Agree Metro and Ohio ITO

Columbus, O.—Adapting a recent piece of M-G-M direct mail promotional copy to its own purposes, ITO of Ohio is circulating a bulletin headed, "A Fountain Pen Can Be as Dangerous as a Snake!" Caption is from the Metro copy, as is this much of what follows: "Before you sign your name to any contract remember these points: No amount of clever operation, no amount of aggressive showmanship, can overcome bad judgment in contracting for next season's film service."

From that point, Pete J. Wood, ITO secretary is on his own with this: "Be smart . . . do all your arguing and adjusting before you sign . . . don't blame the other party to the contract because you were too quick on the draw . . . of the fountain pen."

soever in this field. Thomson concluded by stating that on the basis of the evidence presented, "We believe the jurisdiction of the AAAA definitely imbedded in the action of the conventions of the A F of L, and that this jurisdiction has been repeatedly confirmed by the actions of that body, and finally ratified time and again by the IATSE itself."

Tibbett Says Actors Are Loyal

Lawrence Tibbett, president of AGMA, stated that there was not a shadow of doubt as to the complete loyalty of every member of the 4-A's and that they were determined to defend their rights, their jurisdiction and autonomy at any cost. He gave the Council a 24-hour ultimatum to make its decision.

The 4-A's refused any attempts at mediation and demanded an immediate decision on the case. They clearly set their future course of action when Ken Thomson stated that they would never submit to IA jurisdiction. It was believed that they would bolt the A F of L and set up themselves as an autonomous union if Browne's claim is recognized. Whether or not they will go to court could not be learned. It was believed that in the event of an IA decision they would probably put the matter before the A F of L convention this Fall.

AFA Execs. Defend Actions

Ralph Whitehead, executive secretary of the AFA, stated to the council that he had been charged with misconduct and other offenses, but following an investigation by an accountant, no shortages or discrepancies in his books had been found. He said that he had also been charged with failing to co-operate with AAAA officials and had failed to organize properly. Whitehead charged the AAAA with acting in bad faith and maliciously persecuting him, and that following the revocation of the AFA charter his only resort was to apply for an IA charter. He asserted that his refusal to appear before the AAAA trial board was based on his belief that it would be a "packed jury."

Sophie Tucker, AFA prexy, charged the AAAA with premeditated action in the revoking of the AFA charter, asserting that all plans had been made for the formation of AGVA when this took place. She stated that she had never been conscious of wrong-doing, but had been suspended from all AAAA organizations and charged with treason,

nevertheless. Miss Tucker cited a warning from Eddie Cantor, "as an old friend" to get herself out of this mess before she was seriously involved at the time the charter revocation and formation of AGVA took place.

Harry Richman also pleaded the case of the AFA. He bitterly denounced the dual dues system of the organization, whereby an actor in some cases might have to belong to as many as four organizations at the same time. This subject was picked up for further clarification by the council and disapproval of the system was indicated. He also berated Equity for asking him to appear on charges at a time when he would be in Chicago. Richman said that he had been suspended and charged with treason, but to the best of his knowledge he had not instigated, or been a party to any wrongdoing at any time.

IA Feared CIO Encroachment

Vice-presidents James T. Brennan, W. P. Raoul and Harland Holmden, presented the case for the IATSE. Brennan stated that the IA could not allow an organization with 12,000 members, such as the AFA has, to remain in a position where they would be subject to CIO encroachment and complete disorganization due to lack of an affiliation. He also cited the instances where the IA had been instrumental in assisting AAAA members to get recognition and contracts.

Raoul reviewed the appeal of the SAG several years ago for aid in getting a closed shop agreement with the studios, and said that the IA had put its full resources behind them to compel the producers to sign an agreement.

Raoul also asserted that because of close relationship of actors and studio workers, it was the opinion of the IA that their economic welfare could best be served by affiliation with the international. It was pointed out by the IA execs. that without the help of their organization no recognition of the actors unions could ever have been gained by themselves, and it would certainly be to their mutual welfare to have the strongest possible organization, one which would embrace the entire theatrical field.

Petition of Alex Sauders, made on the Coast recently, in which he charged assistance to the CIO financed USTG by an actor was presented to each member of the coun-

Sophie Tucker, Whitehead and Richman Appear for the AFA

cil by the IA, and the statement regarding this assistance to the union was brought out on the floor.

Ralph Morgan asked that the council give a speedy answer to the questions before it as it was the hope of the AAAA that no one of their members might be hurt by this controversy.

Green Assails 4-A's Action

Green assailed the action of the AAAA in revoking the charter of the AFA as being an action that was incompatible with the case. He asserted that the individuals at fault should have been punished, but that that punishment should not also have been meted out to the entire membership of the organization. Green also stated that he did not believe the suspension of Richman and Tucker was entirely justified.

When questioned as to the claim of Browne for jurisdiction over the entire theatrical field, Green stated that no formal claim had been made by Browne yet. He was pressed by reporters as to what action the A F of L would take on this claim, and what it would do regarding the alleged unlawful actions of Browne in granting a charter to a union that had already had its charter revoked, but the only reply that Green would make was that the entire situation would be settled by the council before the session was over.

Although part of the AAAA delegation returned to New York last night, 17 members, including all the top execs. remained for the night sessions and today's meeting.

Players in Attendance

Those present at yesterday's hearing by the A F of L were Frank Gillmore, president, AAAA; Ralph Morgan, president, Screen Actors Guild; Lawrence Tibbett, president, American Guild of Musical Artists; Edward Arnold, vice-president, Screen Actors Guild; Miriam Hopkins, Jean Muir, Lucille Gleason, Binnie Barnes, Henry Hull, Mischa Auer; Wayne Morris, Ken Thomson, executive secretary, SAG; Paul Dullzell, executive secretary, AEA.

Tallulah Bankhead, Fredric March, Jack Kennedy, Larry Speers, chairman Junior SAG; Emily Holt, executive secretary, AFRA; Leo Fischer, executive secretary, AGMA; Maida Reade, executive secretary, AGVA; Paul Turner, counsel for 4 A's; Henry Jaffe, counsel for SAG and A F of A; Justus Sheffield, counsel for 4 A's; Rebecca Brownstein, associate counsel, Actors Equity; Ruth Richmond, executive secretary, Chorus Equity Association; Florence Marston, eastern representative, SAG; Peggy Wood, Frank Conroy, Alfred Harding, Jascha Heifetz.

Alan Corelli, executive secretary of Theater Authority, also was here.

IATSE--Producers Sign-- Los Angeles—A new basic agreement between the IATSE and producers was signed late Saturday by all parties. It returns the closed shop to the IATSE studio crafts. Wages, hours and working conditions are to be set soon. Action was exclusively forecast in THE FILM DAILY Friday.

FILE COPY

DO NOT REMOVE

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 30

NEW YORK, MONDAY, AUGUST 14, 1939

TEN CENTS

J. M. Schenck Raps Gov't Interference With Industry INDUSTRY AWAITS AFL JURISDICTIONAL DECISION Columbia Equity Suit Answer Calls Company an Indie

THE WEEK IN REVIEW

The Labor Crisis

By GEORGE H. MORRIS

DOMESTIC

THE LABOR CRISIS: Heated controversy between AAAA and IATSE regarding jurisdictional claim of IA in actors' field reached a boiling point as week advanced, with a decision due from A F of L exec. council on Friday afternoon. Charges and counter-charges filled the air all week with AAAA sending impressive delegation of execs. and stars to argue its case in Atlantic City pow-wow. Further labor disputes loomed in other quarters with possible split threatened in TMAT, with film division possibly becoming IA affiliate. Future status of theatrical world was pending at week-end on A F of L decision, open warfare appearing likely if AAAA bolts A F of L due to an adverse decision. From the West Coast on Thursday came word that IA studio craft contract with producers was closed.

CODE STATUS: Scheduled announcement of revisions in proposed trade practice code failed to materialize even though it was reported that the re-vamped draft had been completed. It was explained, however, that until a system was perfected whereby the code could be put into effect, details of the revisions would be withheld.

LEGALISTIC: In wake of Attorney General Murphy's recent warning that filmland was facing further suits, D of J filed equity action in U. S. District Court, Western Division, N. Y., against the Schine Circuit. Petition charged "monopoly control," and was met by defendant with declaration that suit would be fought "to the limit." . . . As week waned, D of J also initiated anti-

(Continued on Page 5)

Two Separate Affirmative Defenses Also Raised in 105-page Reply

Columbia filed a 105-page answer on Friday in the Federal Court on behalf of itself and four subsidiaries, to the Government's equity action against the majors. Simultaneously, a separate answer was filed by 12 of Columbia's officers and directors.

The company's answer, in distinction to those previously filed, did not confine itself to mere denials of the Government's charges, but point by point took up these charges and answered them with specific lists and facts where the occasion

(Continued on Page 6)

ALGER WILL DECIDE FAIR RKO STOCK PRICE

Stating that he was unable to hold hearings on the proposed underwriting agreement for flotation

(Continued on Page 4)

Minneapolis Ordinance Would Limit Length of Pix Program

Minneapolis—An ordinance which would limit motion picture programs to two hours and 15 minutes was

(Continued on Page 4)

No Monopoly in Pix, Says Schenck; Believes Divorcement Not Harmful

Grierson Going to Coast for Survey of Production

Upon leaving New York on the week-end for Ottawa by plane, John Grierson, member of Britain's Cinematograph Films Council, disclosed that he will visit Hollywood about Aug. 28 to survey production meth-

(Continued on Page 5)

Wanted: A Jimmy

If there was another Jimmy Roosevelt available, Joseph M. Schenck would hire him. The 20th Century-Fox board chairman on Friday said that if Jimmy's last name was Jones, he'd still be a good man.

"NO COMPROMISE BY 4 A'S," SAYS MORGAN

West Coast Bureau of THE FILM DAILY

Los Angeles—Addressing a SAG mass meeting here Sunday night, President Ralph Morgan declared the Four A's will not compromise in its fight to have the American Federation of Labor Executive Council declare invalid the charter granted to the AFA by the IATSE. He said, "We want to stay in the AF of L as long as it proves to us that it is an honest organization."

Lawrence Tibbett presented a resolution that was adopted and which endorses the actions of board and officials of Four A's in the fight for "honest unionism and right of actors to govern themselves" and pledging members to aid in carrying on fight against the IA action.

Co-chairman Eddie Cantor branded Ralph Whitehead as a "Benedict Arnold" for turning over the AFA to the IATSE.

Hope Is Held for Peaceful Solution As Executive Council Reconvenes

Atlantic City—With the postponed decision in the AAAA-IATSE jurisdictional dispute scheduled to be handed down today by William Green, president of the A F of L, hope was held at the week-end for a peaceful solution despite early reports that the decision would favor the IATSE and thus bring drastic AAAA action.

Following Friday's meeting of a special committee appointed by Green, it was announced that the group would negotiate further over the week-end and that a decision possibly would be reached today.

It was generally reported that the A F of L Executive Council

(Continued on Page 4)

SCHENCK HOLDS SAG PACT IS STRIKE BAR

Newspaper reports to the effect that motion picture players may go on strike as a result of the current labor disputes were "debunked" Friday by Joseph M. Schenck, president of the Motion Picture Producers

(Continued on Page 6)

Crescent to Fight Gov't Suit to Limit—Sudekum

Nashville—Crescent circuit, third indie to be singled out for anti-trust attention by the Department of Justice, will fight the suit filed

(Continued on Page 5)

Something New: Exhibitors Put Up Awards in "U" Drive

A new twist in sales campaigns developed over the week-end when it was announced that exhibitors were offering awards to Universal

(Continued on Page 5)

THE FILM DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 30 Mon., August 14, 1939 10 Cents

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat				
Col. Picts. vtc. (2 1/2%)				
Col. Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.				
East. Kodak	170 1/2	170	170 1/8	+ 1 1/8
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	42 3/4	42 1/8	42 1/8	- 5/8
do pfd.				
Paramount	9 3/8	8 7/8	9	+ 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10	10	10	
Pathe Film	11 5/8	11	11 1/2	+ 3/8
RKO				
20th Cent.-Fox	19 1/4	18 5/8	19	- 1/4
20th Cent.-Fox pfd.	29	29	29	- 1
Univ. Pict. pfd.				
Warner Bros.	43 3/4	43 1/4	43 3/4	
do pfd.	52 1/4	52 1/4	52 1/4	+ 1/4

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 3/8	100 3/8	100 3/8	+ 1/8
Loew's deb. 3 1/2s46	103 1/2	103 1/2	103 1/2	+ 1/4
Par. B'way 3s55				
Par. Picts. cv. 3 1/4s47	90 3/4	90 3/4	90 3/4	
Warner Bros. db. 6s48	90	90	90	

NEW YORK CURB MARKET

Technicolor	15 3/4	15 1/4	15 1/2	
Trans-Lux	1 1/4	1 1/4	1 1/4	
Universal Corp. vtc.	3 7/8	3 7/8	3 7/8	+ 1/4

Robert Hoyt Quits Telco

West Coast Bureau of THE FILM DAILY

Hollywood—Robert Hoyt has resigned as president and general manager of Telco Corp., color film process organization. He will take a month's vacation before announcing new plans.

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The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—14th week	Astor
They Shall Have Music (United Artists-Goldwyn)—3rd week	Rivoli
Four Feathers (United Artists-Korda)—2nd week	Capitol
In Name Only (RKO-Radio Pictures)—2nd week	Music Hall
Beau Geste (Paramount Pictures)—2nd week	Paramount
Stanley and Livingstone (20th Century-Fox)—2nd week	Roxy
I Stole a Million (Universal Pictures)—2nd week	Globe
The Old Maid (Warner Bros. Pictures)—2nd week	Strand
Miracles for Sale (Metro-Goldwyn-Mayer)	Criterion
Bad Lands (RKO-Radio Pictures)	Rialto
Daughter of the Tong (Syndicate) (a)	Central
Man from Sundown (Columbia Pictures) (a)	Central
Indianapolis Speedway (Warner Bros. Pictures) (a-b)	Palace
Unexpected Father (Universal Pictures) (a)	Palace

FOREIGN LANGUAGE FEATURES

USSR on the Screen—1939 (Amkino) (a)	Cameo
China Fights On (Amkino) (a)	Cameo
The World is Ours (Frank Kassler)	World

FUTURE OPENINGS

Exile Express (Grand National Pictures)—Tomorrow	Rialto
When Tomorrow Comes (Universal Pictures)—Aug. 16	Rivoli
The Wizard of Oz (Metro-Goldwyn-Mayer)—Aug. 17	Capitol
Lure of the Wasteland (Monogram Pictures)—Aug. 18 (a)	Central
Spy of Napoleon (Syndicate)—Aug. 18 (a)	Central
Parents on Trial (Columbia Pictures)—Aug. 19	Globe
Our Leading Citizen (Paramount Pictures)—Aug. 23	Paramount
Dust Be My Destiny (Warner Bros. Pictures)—Sept. 1	Strand
Hotel for Women (20th Century-Fox) (c)	Roxy
My Fifth Avenue Girl (RKO-Radio Pictures) (c)	Music Hall
Each Dawn I Die (Warner Bros. Pictures)—Aug. 17 (a-b)	Palace
Way Down South (RKO-Radio Pictures)—Aug. 17 (a)	Palace
The End of a Day (Juno Films)—Sept. 11	Filmarte

(a) Dual bill. (b) Subsequent run. (c) Follows current bill.

Brooklyn Phone Service on Films Planned by MIS

Movie Information Service, a guide service for theaters in Brooklyn, announced at the week-end that its dissemination of program information through central telephone exchanges probably would go into effect around Sept. 1. An intensive advertising campaign is planned to acquaint the public with this service as soon as all contracts are closed with theaters in the Brooklyn area.

Plan calls for central telephone exchanges operated by the company, which will give all callers information about programs at any Brooklyn theater for a 10-hour period every day. Charge to theaters per week will be on a basis of seating capacity. It was stated that contracts have already been closed with four circuits for the service.

Anti-Giveaway Measure Advanced by Wis. Senate

Milwaukee — The Paulson bills, numbers 194 and 195 S, have been advanced toward passage in the state Senate. The first prohibits giving away of anything as an inducement for attracting people to theaters while the second declares lotteries a nuisance and would permit local authorities to close for one year buildings in which they are held.

Reports Odeon Will Adopt Screeno Denied by Deutsch

London (By Cable)—Odeon Circuit has no intention of adopting Screeno, despite statements to that effect in the U. S., it is emphatically stated by Oscar Deutsch.

Boston Usher Strike Spreads to 2 More M & P Theaters

Boston—The strike of ushers at the Metropolitan Theater on Friday, called by the IATSE, later in the day spread to the Paramount and Washington Street Olympia Theaters, all three being controlled by the M & P circuit.

The walkout gave indications of taking in others of the circuit's houses before being settled. Picketing is in progress. A number of the Met's ushers recently joined the union.

Pickets outside the Paramount Theater were heard to advise passers-by to attend the unionized RKO-Keith Memorial Theater only a few yards away.

M & P Theaters has not recognized the new ushers' union although Loew's and RKO have granted it recognition. Working conditions are given as the reason for the walkout.

France Ends Quota System; Again an Open Pix Market

Paris (By Cable)—Official decree abrogating the French quota system has been published here, which in effect makes this country once again an open market for all distributors of pictures. There is no limitation to the number of films any distributor of any country may now ship into France. Decree was put through despite protests of the French producers who took the position that increased imports would be damaging to the native industry. Report that such action would be taken by the French government was first published in THE FILM DAILY.

COMING AND GOING

JOSEPH M. SCHENCK, 20th-Fox board chairman, flew back to the Coast Friday afternoon after a brief stay here.

S. BARRET McCORMICK and NED E. DEPINET returned to New York Saturday from Hollywood.

TED REED, Hollywood director, and HARTMAN, writer, leave the Coast this for New York to confer with Clifford Goldsmith on a sequel to "What a Life," which Paramount will produce.

LEE STEWART returns from the Coast tomorrow.

S. CHARLES EINFELD, Warner vice-prexy and ad. and pub. chieftain, leaves Hollywood August 18 for a two-week's business trip to New York.

ADOLPH ZUKOR and JOHN W. HICKS sail from Sydney August 18 on the Monterey for Los Angeles. They are currently visiting a number of Australian cities.

JUDY GARLAND and MICKEY ROONEY arrive in New York this morning.

GENE LUTES, Kentucky exhib., BERNARD SCHRAM, manager of Michigan Theater, Kalamazoo, Mich., L. WENER, Nova Scotian exhib., and D. R. WILSON, Quebec exhib., were visitors this week at the RKO lounge.

BRENDA MARSHALL, Warner player, arrived here at the week-end for a vacation.

MICHEL SIMON, French star, arrives today on the Normandie.

SCOTT R. DUNLAP, Monogram production chief, arrives in New York in two weeks to attend quarterly board meeting and confer with Prexy W. Ray Johnston.

GENE BUCK, Ascap president, is in Hollywood.

LESTER COOPER, Warner exec. on the Coast, arrives in Hollywood today after a two-week's vacation in New York.

JOHN E. ABBOTT, executive vice-president of the Museum of Modern Art and director of the Film Library, flew to Hollywood Friday for a two-week's stay.

R. J. O'DONNELL, of the Interstate circuit in Texas, arrives here today from Dallas.

LEON BAMBERGER leaves on a southern cruise aboard the Mauretania next Saturday.

FRANCES SMITH, secretary to H. M. Richey, is vacationing at Sackett Lake.

JEROME M. WEISFELDT, son of Max J. Weisfeldt, Columbia's Short Subject Sales Supervisor, arrived yesterday from Minneapolis.

WALTER BATCHELOR, agent, flew to the Coast Friday night.

Metro Closes Chi. Deals

Chicago — Kerosatoes and the Hamlin circuits, down state, have signed for Metro's new season product and negotiations are under way with others.

While Chicago selling has been slow, due to the contract negotiations, both Essaness and Indiana and Illinois circuits have signed.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 14
Edward L. Boniva
Lois Brisbane
Bob Hadley
AUGUST 15
Estelle Brady
Harry Akst

Geste'-Phil Spitalny Smash 52G **On B'way; 'Nam** **'Feathers' 30G,**

BROADWAY
belongs to
"BEAU"!

Three new season's (1939-40) pictures reached Broadway this week on pre-release engagements. They are 'Beau Geste,' 'Four Feathers' and 'Stanley and Livingstone,' all of which are in the spectacle division, a unique coincidence in itself. Also, two of these, 'Feathers' and 'Geste,' are remakes of old silents that did extremely well more than 10 years ago.

'Geste' is the best of the '39-40 threesome, but it has the sturdy support on the Paramount stage of the Phil Spitalny band, which means plenty of dollars at the b. o. The theatre wound up its first seven days last night (Tues.) with this show at \$52,000, sensational business for the summer here. Now in its fourth year of a picture-pit band policy, the Par has never hit this high on any summer week, including Fourth of July stanzas. Nearest was the in-person date of Martha Raye the July 4 week in 1937, when \$50,000 was grossed.

Rox has chance get up to

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\$6,000,



GARY'S THE "BEAU" OF LONDON, TOO

The new "Beau Geste" gets the biggest gross at the Plaza Theatre, London, since the silent version played there . . . and that's 13 years ago!



ALGER WILL DECIDE FAIR RKO STOCK PRICE

(Continued from Page 1)

of RKO stock because his vacation started this week, Federal Judge William Bondy on Friday referred the matter for hearings before Special Master George W. Alger. The Court ruled that Alger was to decide whether \$4 per share was a reasonable price, and if it was not, what would be a reasonable price.

At the same time, Judge Bondy stated that Alger would receive an advisory opinion from the SEC as to its views on the subject, which opinion, Judge Bondy stated, would be forthcoming with promptness. Hearings will be held in view of the urgency of the question on three days' notice and an early report is expected.

The report will not wait Judge Bondy's return for consideration, but will be heard by any District Judge sitting. Objections were raised by various attorneys who claimed that the reference would delay matters too much and that any SEC report, if thorough, could not be available for several months. Judge Bondy pooh-poohed all objections and stated that he was sure the Atlas Corp. would not withdraw its offer to underwrite unless substantial changes in the market occurred. At the request of Col. Hamilton C. Rickaby, Atlas attorney, Judge Bondy agreed to direct Alger to make recommendations as to commissions to be awarded for underwriting the stock.

Hearings were formally adjourned to Aug. 28 at 10:30 when it is hoped the special master's report will have been completed.

Minneapolis Ordinance Would Limit Length of Pix Program

(Continued from Page 1)

introduced Friday in the City Council. Oscar L. Lund, city alderman, told THE FILM DAILY that the ordinance was introduced at the request of W. A. "Al" Steffes, president of Northwest Allied.

If adopted the measure would not apply to stage shows but would eliminate most double feature programs. The ordinance and legislation committee of the City Council will debate the proposed ordinance at a meeting next week.

Because of its controversial nature, Lund expects that a series of public hearings will be necessary before it could become a law.

7 B'way Holdovers

Seven features are being held over in Broadway theaters this week: "Goodbye, Mr. Chips" at the Astor; "They Shall Have Music" at the Rivoli; "Four Feathers" at the Capitol; "Beau Geste" at the Paramount; "In Name Only" at the Music Hall; "Stanley and Livingstone" at the Roxy; and "I Stole a Million" at the Globe.

ALONG THE



WITH PHIL M. DALY

● ● ● THERE must be something in the Hollywood air these days for which thought you're indebted to the announcement.....that a group of the film colony's.....writers, directors, producers, actors, agents and cameramen.....have formed a music-publishing firm..... "to publish songs of a progressive nature.....which the average music publisher.....would consider too controversial.....for commercial purposes".....The first will be a Jay Gorney-Henry Myers number..... "Mr. Roosevelt, Won't You Please Run Again?".....Those Hollywood luminaries backing the venture.....of course are well within their rights as individuals.....but unfortunately the public is prone to forget.....that Hollywood luminaries have individual rights..... and the results sometimes are most unhappy.....and it would be well to remember that this industry has grown prosperous by producing.....not Republican pictures, not Democratic pictures.....but just plain pictures.....

● ● ● OF ALL the Christopher Columbuses in show biz.....there is perhaps none with a better claim.....to the title of "discoverer".....than Gus Edwards.....And so it is a pleasure to record that.....Gus will be honored on his 60th birthday..... Aug. 18.....with a testimonial dinner at Hollywood's Ambassador Hotel.....Approximately 90 troupers.....including some of the biggest "names".....in screen, radio and stage.....owe their start in the entertainment field.....to Edwards' interest and help.....The list includes.....Eddie Cantor, George Jessel, Groucho Marx, Eleanor Powell.....Not forgetting Lila Lee, the Duncan Sisters, Sally Rand and, oh, yes, Walter Winchell.....So it's little wonder that the testimonial committee.....includes such notables as.....Gene Buck, Irving Berlin, George M. Cohan, Sig Grauman.....Jim Farley, former Governor Al Smith and Col. Theodore Roosevelt.....

● ● ● THIS, that and 'other... ● Take it from D. R. Wilson, who doubles in brass up in Shawinigan Falls, Que.....as exhibitor and newspaper publisher.....biz there while off 20 per cent now.....should be back to normal.....come Jan. 1.....Wilson, here to look over the Fair.....says audiences in his town.....prefer musicals, westerns and dramas... ● Warners' Charlie Ein'eld is driving..... for space in 285 Catholic papers and magazines.....in behalf of "The Fighting 69th"... ● Chicago at the present time has no tele station.....but that didn't keep 90,000 people from visiting.....Marshall Field & Co.'s recent tele show and demonstration... ● Howard Hughes' next flying venture.....the Civil Aeronautics Authority permitting.....will be a high altitude trans-Atlantic flight.....in a new Boeing sub-stratosphere plane... ● National survey organization.....is checking the public.....on their reaction to "Intermezzo".....title for Selznick's pix starring Leslie Howard.....and on the authority of the Dallas Times Herald's Jimmy Lovell.....Texans allow as how it doesn't mean a thing.....

● ● ● FOR YOUR birthday greeting shopping list.....here are some advance dates and names.....Aug. 17: John Hay Whitney, John McCormick, Charles Judels, W. Stewart McDonald.....Aug. 18: Gus Edwards, Robert Weitman.....Aug. 19: Edward K. O'Shea, Edward H. McBride, Colleen Moore, Kenneth MacKenna, Marie Wilson.....Aug. 20: Fred A. Kelsey, Bernard Hyman.....Aug. 21: Hiller Innes, Al Rogell, Bert Roach, James Dent, Louis Brock.....Aug. 22: Samuel Goldwyn, Charles Garrett.....Aug. 23: Max Fleischer.....Thought you'd like to know.....

INDUSTRY AWAITING A F OF L DECISION

(Continued from Page 1)

had decided on terms whereby new international union would be set up with a charter granted to Ralph Whitehead, AFA executive secretary. According to Ralph Morgan's understanding, such a charter would give Whitehead full authority to organize vaudeville and night club performers.

The film stars and players returned to Hollywood by plane on Saturday for a big mass meeting scheduled for last night when Morgan was to report on the progress to date. In a press interview Friday, Morgan stated that the 4-A's would not weaken and that the threat of a strike still stands until a final decision is reached.

A representative of the 4-A's will return here today to hear the Executive Council decision.

Morgan made it known to reporters that everything was not as peaceful at Thursday's meeting as Greer had indicated. He said, however, that the film people were "hopeful." Lawrence Tibbett said he would return here if necessary.

Morgan's statement read: "In view of the communication from the executive council just received, we feel we are justified in waiting for further announcement on Monday. There are many humans affected. We have considered every angle. The decision should be one to affect the entire labor industry. We should temper our feelings for a quick decision. However, we will not weaken in our stand."

Green's statement: "I have ordered the special committee to continue its negotiations and have hope that something definite will come out of it. The committee made a partial report."

He refused to comment on this partial report, but it was believed by many that it had to do with a new international charter.

No 4-A representative or IATSE people sat in Friday's meeting. The session was barred to the press.

Alexander Renews Deals

Colorado Springs — Alexander Film Co. has renewed exclusive deals for the exhibition of short commercials with the W. S. Butterfield Theaters of Michigan, Redwood Theaters of California and Frisina Amusement Co. of Illinois, Iowa and Missouri.

WEDDING BELLS

Sam W. Morris, makeup editor of the Motion Picture Daily, was married Saturday to Ruth Banker of Chicago.

Detroit—Edward Jacobson, manager of the Rainbow Theater, was married to Mollie Kozel, formerly secretary at the Capital Theater,

J. M. SCHENCK RAPS GOV'T INTERFERENCE

(Continued from Page 1)

ness who think they can get advantages by going to the Government," Schenck said at a press conference in his suite at the Waldorf Towers. "As long as they can get the Government's ear, they are going to run to it and complain."

Asked if he cared to be quoted in calling such tactics "blackmail," Schenck said, "Go ahead and print it."

No Monopoly, Says Schenck

Schenck said he did not believe there was any monopoly in either the exhibition or distribution branches of the industry. The picture executives are always willing to adjust complaints, he said, adding that an important clearance situation involving Fox West Coast had recently been cleared up without the Government's help.

It was pointed out to Schenck that Darryl Zanuck was quoted in the Saturday Evening Post as saying that the life of a picture was only three months. To which Schenck replied that Zanuck was a good producer, but not an authority on distribution problems.

"We are getting revenue from pictures more than a year old. It may be that Zanuck meant that the most money is obtained from the first three months of distribution," commented the 20th-Fox board chairman.

In regard to the Government's equity suit against the majors, Schenck said that 20th Century-Fox did not fear the action but it resented the Government's interference.

Theater divorcement would not do any harm, he asserted. If the law tells the producer-distributors to get rid of their theaters, Schenck said, "we'll sell them to individuals and probably get better prices for our pictures and make more money."

Opposed to 20 Per Cent Cancellation

When asked about the proposed Trade Practice Code, Schenck said that he was not as familiar with the details of it as was Sidney R. Kent, but that he did not favor the 20 per cent cancellation provisions. He said if he had his way, we wouldn't give one per cent cancellation.

Schenck said he did not discuss the equity suit with President Roosevelt with whom he had lunch on Thursday, but he had talked about Government regulation with the President at previous times. "We don't agree on that subject," he said.

"The sooner the Government stops suing business, the better business will be," Schenck concluded.

Stewart Plans Agency

Lee Stewart, former casting director at the Vitaphone studios, returns Tuesday from an extended stay in Hollywood. He intends to open his own theatrical agency in New York.

THE WEEK IN REVIEW

The Labor Crisis—Warners in S. A.?

(Continued from Page 1)

trust action against Crescent Amusement Co., Inc., and eight affiliated exhibitor companies, plus 11 distributors. Crescent operates some 100 houses in Tennessee, Kentucky, Arkansas, Alabama and Missouri. . . . Hearings were continued in Federal Court, Southern District, N. Y., on Atlas' underwriting agreement proposed in connection with flotation of new RKO company's common stock. On the week-end, Federal Judge Bondy was poised to render a decision.

* * *

NEW RKO CONTRACT: Desire expressed for years by exhib. interests for a simplified form of exhibition contract fulfillment via announcement that such a contract will be forthcoming from RKO-Radio on company's new season product.

* * *

TELEVISION: Station WOR applied to FCC for license to erect a tele station in New York area to develop program technique and engineering advancement.

"Free List" for Plotless Shows Must Pay U. S. Tax

Operators of film theaters offering stage attractions as added features must start collecting admission taxes from all persons on the free list, including critics, the Department of Internal Revenue has decreed.

Department has just dug up a clause in the law which requires such revues, vaude and other shows lacking "a constructive narrative interpreted by a single set of characters all necessary to the development of the plot."

While some managers yesterday were reported as ready to pay the tax on reviewers' passes out of the till, there was some question whether this practice would be acceptable to Revenue officials.

As construed, the only persons who will not have to pay are bona fide employees of the management, municipal duties and children under 12.

Testimonial to Nat Levy Set Sept. 30 in Detroit

Detroit — Testimonial dinner to Nat Levy, RKO divisional manager recently transferred from Detroit, will be given here Sept. 30. All exchange managers are on a committee of the Variety Club, headed by Eddie Heiber, Universal manager.

Others serving are: John Howard, Paramount; Lester Sturm, 20th-Fox; William Flemion, Excellent; Sam Sepulwin, Republic; Harlan Starr, Monogram; Moe Dudelson, United Artists; Frank J. Downey, M-G-M; F. E. North, Vitagraph; Carl H. Shalit, Columbia; and James F. Sharkey, RKO.

FOREIGN

WARNERS IN S. A.: Cable from Rio asserted visit of Sam E. Morris, WB vice-prexy, is for purpose of survey of company's present first-run theater representation, with either theater purchases or direct construction of new houses planned by company if deemed advisable.

* * *

ON OTHER FRONTS: Added steps for a series of top-bracket pictures to be made at Warners' Teddington studios are expected to materialize during H. M. Warner's visit to England, London cable states, adding that, with a gross of \$1,500,000 in British Empire alone for "Confessions of a Nazi Spy," pix is expected to roll up one of largest grosses in WB history. . . . Also from England issued word that GB may again pay dividends by 1940, and that NATKE, British counterpart of IATSE in U. S., will press for 48-hour week, plus "closed shop" in pix houses. . . . Reciprocal quota legislation twixt Britain and Australia also loomed.

Crescent to Fight Gov't Suit to Limit—Sudekum

(Continued from Page 1)

in Federal Court here to the limit, it was indicated at the week-end by Tony Sudekum, its prexy.

"We will prepare to do all we can to legally defend ourselves," Sudekum declared.

Defendants, in addition to Crescent, in the action are: Cumberland Amusement Co., Lyric Amusement Co., Inc., New Strand Co., Strand Enterprise Corp., Rockwood Amusements, Inc., Cherokee Amusement Co., Kentucky Amusement, Inc., and Muscle Shoals Theaters, Inc., together with certain of their officers and directors, and Paramount Pictures, Paramount Film Distributing Corp., Loew's, Inc., RKO, Universal Pictures, Universal Film Exchanges, 20th Century-Fox, United Artists, Columbia Pictures, Warner Bros. and Vitagraph.

Sudekum said that he knew of no action or policy of Crescent or its affiliates which would warrant the Government's charges and that no indie or group had complained of unfair competition.

Dr. IQ Decision Today

Chicago—Hearing began Friday on the Doctor IQ case before Referee Mathew Covelli. Decision is expected today. The plaintiffs are being represented by Grant Shorey and Leonard Reid. Col. Martin Foss is acting for the city.

UA African GHQ Open

Johannesburg (By Cable)—With the arrival of A. A. Loew, managing director for United Artists in South Africa, the company has formally opened offices at 80 Delvers St.

GRIERSON TO COAST TO SURVEY PROD'N

(Continued from Page 1)

ods with respect to both feature and short films.

Grierson disclosed that film circles in the U.K. are conscious of the fact that if picture-making in British studios is to attain and maintain top standards, it should take cognizance of what he termed "the new vitality" which is apparent in Hollywood studios.

There, he said, a new generation of producers appears to be springing up, a school which injects authenticity into features, and lends novelty and "twists" to shorts, thereby capturing public interest. A noteworthy trend, he added, is toward a documentary feeling in the big type of American photoplay, and this tack is winning favor with audiences.

Grierson plans to go from the West Coast to Australia and New Zealand, where he will study film setup, and, following his return to England, will transmit his survey findings to film interests in England in order that production methods can be improved.

Something New: Exhibitors Put Up Awards in "U" Drive

(Continued from Page 1)

salesmen and exchanges in the "Exhibitors' Sponsored Testimonial" to Universal.

M. A. Lightman, head of the Malco circuit in Memphis, will present the "best piece of luggage money can buy" to the winning salesman, adding that "it had better remain in Memphis." John Nolan of the Commerford Theaters is offering a cash award, while Bob O'Donnell of the Texas Interstate Circuit is offering a prize of his own. Charles Hayman, Buffalo theater man, is so sure that a local salesman will win that he is putting up \$200 in cash.

TMAT Membership to be Polled on Affiliation

TMAT's attitude on affiliation with an international A F of L union will be decided by a vote of the entire membership through ballots which will be mailed to every member. At a midnight meeting at the week-end, the film group within the organization asked for affiliation with the IATSE, but this move was tabled and the over-all membership vote was decided on.

Meeting was held at the Capitol Hotel, but was closed.

Philip Kendis Ill

Cleveland—Philip Kendis, head of Exhibitor Poster Service, is confined to bed with a back ailment, resulting from a fall several years ago.

Mrs. Flora Edmond Dead

Manchester, N. H.—Mrs. Flora Kendall Edmond, a theater operator here for several years, is dead.

COL. EQUITY ANSWER CALLS CO. AN INDIE

(Continued from Page 1)

required, and with illustrations from various experiences of Columbia.

Answer also raised two separate affirmative defenses, the first that contracts had been made with some 19 New York exhibitors and a number of artists including Irene Dunne and Cary Grant, previous to the commencement of the suit, and that these parties must be made defendants if a decree affects their contracts. The second defense cites the Government's suit brought in Texas in 1937 against Columbia and the Interstate Circuit and claims that offenses allegedly committed by Columbia should have been heard at that time.

Re-defines Major Producers

Columbia disputes the Government's definition of a major producer, claiming that a prerequisite is that company must be engaged in the exhibition as well as the production field. A major distributor, it said, must be one which produces and exhibits in addition to its distribution activities.

Answer questions the importance of the definition of affiliated theaters and stated that the true test is whether booking is done for a single theater or several, and that the term circuit would apply to more than one theater. Columbia termed itself an independent producer and distributor of motion pictures.

The answer went into some length to describe how Columbia entered into the distribution field, and claimed that it had done so in 1929 against its own wishes in order to insure a fair price for its pictures. It stated "If Columbia were compelled to desist from distributing its own pictures, it would find that pictures in which it had invested millions of dollars annually, would be incompetently and inefficiently handled, improperly exploited and the financial returns wholly inadequate."

Columbia also disputed the Government's claim that the number of pictures produced had decreased in the last 10 years, and cited figures to show that indie producers had made 5,096 pictures over a period of the last 10 years and the majors had produced 3,312 for the same period.

Cites Borrowing Troubles

In defense of the Government's attack upon the custom of loaning

Expanded Scope of TNEC Monopoly Probe Will Materially Affect Film Industry

Washington Bureau of THE FILM DAILY

Washington—While the TNEC plans a greatly expanded study of the national economic structure in the fall, the tentative agenda does not specifically include films. However, the 26 different headings for the general program indicate that pix will be materially affected, if indirectly.

Status of competition, anti-trust laws, Federal licensing, analysis of financial statements, history of mergers, international trade barriers, trade associations, trade practice conference agreements—these are all listed.

Significantly, the expanded scope also will force the TNEC to reply on reports from such government agencies as the Departments of Justice and Commerce and Federal Trade Commission for much of the information on which legislative recommendations will be predicated in March next.

Seven New Plays to Keep Majors' Scouts on Jump

Major company scouts face a busy week, with total of seven new plays set for tryouts in straw-hats.

"Viceroy Sarah," historical drama concerning Queen Anne, the Duchess of Marlborough and Abigail Hill, by Norman Ginsbury, opens tonight at the Deertrees Theater, Harrison, Me. Dame May Whitty and Mady Christians will have leading roles. "Life With Ratner," adapted by Howard Lindsay and Russel Crouse from the Clarence Day stories, opens tonight at the Lakewood Theater, Skowhegan, Me. A comedy by Seymour Gross, "The Moorings," opens tonight at the Long Beach Theater. The author will have a principal role.

The Woodstock Playhouse, Woodstock, N. Y., presents George Ford's "Audacious Mr. Booth," starting Thursday. The Wharf Theater, Provincetown, Mass., opens the Dorothy Cummings play, "The Woman Brown," tonight. The Hubert Theater, Newfoundland, Pa., offers "American Cartoon," author unlisted, which is described as a satirical comedy with incidental music, Wednesday. The Tamarack Playhouse, Lake Pleasant, N. Y., will produce Arthur Goodrich's comedy, "I've Got an Idea," with William Harrigan on Friday.

personnel and stars Columbia claimed that it was essential for its survival and that no company could carry on its payroll a specific number of stars and technicians to fill parts in all productions. As a matter of fact, the answer said, "Columbia has always found it very difficult to borrow a star" and on numerous occasions it has been refused outright. The answer cited instances of this and claimed that there was keen competition in obtaining stars, technicians and stories, and that the practice was just as general with independent producers. Stars, themselves, insist upon this practice so that they might secure suitable roles, it was stated.

Columbia denied indulging in harsh selling practices and defended the practice of block-booking, claiming that it was as beneficial to the exhibitor as it was to the producer. The answer claimed that exhibitors had a more profitable business than producers, and that in many instances large combines of exhibitors, through threats and intimidation, had been able to exact unfairly low prices for product.

200 Execs. and Showmen At Lichtman Testimonial

Washington Bureau of THE FILM DAILY

Washington—More than 200 execs and showmen from the Eastern area attended the testimonial dinner to A. E. "Abe" Lichtman, marking his 50th anniversary as an exhibitor, at the Willard Friday night.

Lichtman was presented with a 21-jewel wrist watch by his friends. His other gifts included a traveling case from his own employees, and a scroll containing the signatures of all present at dinner.

Among those present were: William F. Rodgers, William Scully, Jay Emanuel, Ray Bell, James Fontaine, Robert Smeltzer, Robert Kreisler, Obert Folliard, Rudolph Berger, John Ebersson, Julian Brylawski, Edmund Plohn, Sam and Jake Flax, Sidney Lust, Hardie Meakin, Gene Ford, W. E. Wilcox, Abe Tolkins, Fred Rohrs, Sam Wheeler and Carter Barron.

French Ambassador to Get Pix Smuggling Presentment

Washington Bureau of THE FILM DAILY

Washington—Acting Secretary of State Welles, Friday received a New York Grand Jury's presentment charging misuse of the French Embassy's pouch service in the smuggling of French motion picture films into the United States.

Welles said he would send a copy of the presentment to the French Ambassador and would invite the Ambassador to make any comments he might desire. Pending receipt of such comments Welles declined to discuss the presentment.

Lenwal to Produce Pix in British West Indies

Lenwal Productions, Inc., of this city, will shoot "Daughter of the Isle of Jamaica" (tentative title) in Jamaica, B.W.I. Arthur Leonard, who recently produced "Straight to Heaven," is producing and directing, his crew including Jay Rasher, Syl Priestly, Thomas Priestly and George Twillinger, latter also author of the story.

Cast, including Nina May McKinley, Jack Carter, Hamtree Harrington, Ida James, Willa May Lane and Emmett Wallace, leaves New York for Jamaica today. Advance party, headed by Leonard, is already there.

Counsel for the company are Oliphant & Lerman.

SCHENCK HOLDS SAG PACT IS STRIKE BA

(Continued from Page 1)

Assn., who said that the actors and actresses could not strike because of their contracts with the producers.

Schenck explained that under the pacts signed in 1937 by the SAG, SDG and ASC, players, directors and cameramen agreed not to strike for 10 years. The contract remains in force until 1947, Schenck said. The Screen Actors Guild is not a labor union, he added, but a corporation formed to act as a bargaining organization for the players. However, under the agreement, he said, a producer can sign an individual member for non-performance of his contract, or enjoin him from working for another producer.

The various guilds (SAG, etc.) are not prevented from becoming affiliated with the CIO if their members vote for it, Schenck said, adding that the producers probably would not object to such a move as long as their contracts with the studios were not violated.

However, Schenck said he could see no reason for screen players joining any union. He said the studios were closed shops with IATSE contracts with the exception of the guilds whose contracts with the studios were respected by the IA.

Schenck flew back to the Coast Friday afternoon.

\$100,000 Loan to Wm. Bioff Repaid, Says Jos. Schenck

Joseph M. Schenck admitted Friday that he had made a loan of \$100,000 to William Bioff, former IATSE leader, but said that the loan had been repaid. Beyond that statement, Schenck refused to comment on the transaction which allegedly took place in June, 1937.

Michigan Allied May Hold October Convention

Detroit—Directors of Allied Theaters of Michigan are to meet to select date in October—probably—and place for the annual convention.

Mrs. Reinhart Recovering

Canton, O.—Mrs. Harry Reinhart, wife of the owner of a local theater circuit, is at Montefiore Hospital, Pittsburgh, where she is convalescing from an operation.

Remembered

Oklahoma City—Listeners to Ernest Fair's daily motion picture program on KOCY here were asked to name their favorite picture they would like to see brought back. Most frequently suggested were: "A Star Is Born," "Thanks for the Memory," "It Happened One Night," "Little Women," "Adventures of Tom Sawyer," "Personal Property," "Les Misérables," "One Hundred Men and a Girl," "Lilac Time" and a number of requests were received for "any Rudolph Valentino picture."

Howling Success

Harrisburg, Pa.—A luncheon for babies to plug "Bachelor Mother," which opened yesterday at the Senate Theater, was termed by Manager Robert C. Sidman as a "howling success." Fourteen babies with their mothers attended the luncheon in the Penn-Harris Hotel, at which Ginger Rogers was hostess, by proxy. Proxy was Mack Whiting, of RKO's New York office. Five members of the Visiting Nurse's Association were on hand to see that everything went well. A pianist played lullabies during the luncheon.

TO IMPORTANT PEOPLE—
ABOUT IMPORTANT PEOPLE—
BY IMPORTANT PEOPLE—

Articles on the Evolution of the Theatre by John Eberson.

The Romantic History of the Theatre Seat by Heywood-Wakefield.

The Story of the Motion Picture Film by Eastman Kodak.

Autobiographies of the major companies by staff writers.

The Evolution of the Motion Picture Projector by important projector companies.

The Yesterday and Today of the motion picture industry as taken from the headlines of the many years past.

A Cavalcade of important events in the lives of outstanding personalities, directors, producers, players, etc. by special writers.

The History of Light in the Theatre by General Electric.

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VO-76, NO. 31

NEW YORK, TUESDAY, AUGUST 15, 1939

TEN CENTS

U. S. Majors Block Taxation Provision in Cuban Bill AFL COMMITTEE CONSIDERING FIVE-POINT PLAN Hays Sounds Keynote for Industry's Golden Jubilee

MPPDA Prexy Lists 39 Outstanding Films for Fall and Winter

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood — Pointing out that present day films "do not merely recreate for the moment but give their audiences something to take home with them," Will H. Hays, MPPDA prexy, in a statement released for publication today sounds the keynote for the industry's Golden Jubilee.

"Looking back over the brief period of the past two decades, it may

(Continued on Page 3)

GUARANTEES AGAINST FRENCH VISAS ASKED

Paris (By Cable) — Agreement with the French government is being sought here by the American majors which will guarantee the elimination of the visa system for all time, and will also stipulate that in the event any new quota legislation is sought by the French government, the distributors will have a year of grace before they must comply with it.

Binghamton Indies Will Shift to Single Bills

All of the independent theaters in Binghamton, N. Y., will shift to a single-feature policy after Labor Day, it was learned yesterday. Decision to drop double feature programs was made at a meeting of New York Allied members in Binghamton on Friday. Approximately six houses will be affected.

Philly Indies Plotting Court Battle on Games

Philadelphia — City indie exhibs are getting money together to finance a test on games in the city. A committee is contacting theater-

(Continued on Page 4)

Final Distributor Approval of Film Code Slated at Sales Execs. Meet Tomorrow

Final approval of the revised trade practice code is expected tomorrow when the sales managers of the seven major companies participating in the code are scheduled to convene. While it has been reported generally that the re-vamped draft has been completed, it is understood that tomorrow's session has been called for the purpose of giving the document the final okay.

Release of the changes or additions to the code has been promised definitely for this week. It may be that the details will be revealed after the meeting tomorrow.

N. J. ALLIED EXPECTS 400 AT A. C. PARLEY PHILLY TRUST ACTION NAMES S-W, 6 MAJORS

Biggest attendance in history is expected at the New Jersey Allied convention and Eastern Regional Conference scheduled for the Ritz-Carlton Hotel, Atlantic City, Sept. 6-8. From present indications, more than 400 exhibitors and distributor representatives will be on hand, according to E. Thornton Kelly, executive secretary of New York

(Continued on Page 3)

Judge Bondy Signs Order Okaying RKO Stock Change

Federal Judge William Bondy yesterday approved the certificate of incorporation of RKO, the new company's by-laws, the proposed form of common and preferred stock cer-

(Continued on Page 4)

Philadelphia — Another anti-trust suit was recorded against the majors and Stanley-Warner when the case of George Graves, of the Carman theater, against them was revealed as having been filed in U. S. District Court last Friday.

Defendants, served yesterday were Warners, Loew's, Paramount, RKO,

(Continued on Page 7)

Loew's May Add Nabes in Argentine's Capital

Loew's, Inc., is considering the acquisition or construction of several neighborhood theaters in Buenos Aires, according to Sam N. Burger, special foreign representative, who

(Continued on Page 4)

Decision Expected Today As Council Orders Meets Be Continued

Atlantic City—Following four days of meetings, William Green, AF of L president, announced last night that although progress had been made by the special negotiating committee which is attempting to clear up the AAAA-IATSE-AFA jurisdictional question, no decision has yet been reached.

It was learned however, that the committee, consisting of representatives of AAAA and the AF of L Council, has under consideration a five-point plan. They were said to be in agreement on four of these points, differing only on a point involving personalities. Proposed plan is believed to take in the following:

1—Elimination of Ralph White-

(Continued on Page 4)

BROADWAY BIZ BUCKS WEATHER, STAYS BIG

Notwithstanding adverse weather, week-end business of the big pix palaces in the Great White area was highly satisfactory, checkup yesterday disclosed.

The "takes" recorded fell some-

(Continued on Page 4)

Mass. Labor Board Rules Against TMAT in WMT Case

Springfield, Mass.—The Springfield local of the TMAT suffered a setback yesterday when its petition for certification as collective bargaining agency for employees of the Western Massachusetts Theaters,

(Continued on Page 4)

Boston Ushers Strike Hits M & P Suburban Theaters

Boston — IATSE ushers strike which got underway Friday at the Metropolitan Theater and spread

(Continued on Page 7)

Squawks of U. S. Distributors Block Taxation Provision in Cuban Measure

Columbus Exhibs' Co-op Booking Attempt Fails

Columbus, O.—Effort by local exhibs. to establish a booking combine has met with failure, but the corporate setup remains, indicating the exhibs. haven't given up the idea. Virgil Jackson, operator of four houses, is president of Theater Ser-

(Continued on Page 7)

Havana (By Cable)—Bill introduced in the lower branch of the Cuban Congress providing for a tax upon motion picture distributors of 33 per cent of gross admission receipts, and limiting film rentals payable to foreign distributors of producers to not more than 40 per cent of gross admissions, has been defeated in its original form.

Although the bill is still alive, it

(Continued on Page 3)

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	12 1/2	12 1/2	12 1/2	
Col. Picts. vtc. (2 1/2%)	9	9	9	
Columbia Picts. pfd.	24	24	24	- 2
Con. Fm. Ind.				
Con. Fm. Ind. pfd.				
East. Kodak	171 1/2	171	171 1/2	+ 1/2
do pfd.				
Gen. Th. Eq.	11 3/8	10 7/8	11 3/8	+ 3/8
Loew's, Inc.	43 1/2	43	43 1/2	+ 1 1/2
do pfd.	108 1/8	108 1/8	108 1/8	+ 1/8
Paramount	9 1/2	9	9 3/8	+ 3/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10 1/8	10 1/8	10 1/8	+ 1/8
Pathe Film	12	11 5/8	11 7/8	+ 3/8
RKO	1 7/8	1 3/4	1 3/4	
20th Century-Fox	18 7/8	18 3/4	18 7/8	+ 3/8
20th Century-Fox pfd.	28 5/8	28	28	- 1
Univ. Pict. pfd.	65	65	65	- 3
Warner Bros.	4 7/8	4 7/8	4 7/8	
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 3/8	100 3/8	100 3/8	
Loew's deb. 3 1/2s46	103 1/4	103 1/4	103 1/4	- 1/4
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	91	91	91	+ 1/4
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. dbs. 6s48				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 3/8	1 3/8	1 3/8	
Technicolor				
Trans-Lux				
Universal Corp. vtc.				

Pope Receives Pettijohn

Rome (By Cable)—Charles C. Pettijohn, MPPDA general counsel, and his eldest son, Charles, Jr., were received by Pope Pius XII at the Pope's summer home on Saturday. Pettijohn and his son sail for New York on the Normandie on Aug. 28.

SAFETY LLOYDS

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SECURITY

Penn. General Assembly May Convene on Nov. 13

Harrisburg, Pa.—Republican leaders have set Nov. 13 as a tentative date for a special session of the General Assembly, it is learned here by THE FILM DAILY. The proposed call date is just six days after the 1939 municipal elections.

Amusement tax action is possible at the special session since relief and tax revision were considered the major issues to be included in the Governor's call.

Two amusement tax bills were introduced during the recent session of the Legislature, but neither were brought out of committee. One measure provided for a tax of one cent for every 25 or fraction thereof spent for amusement for relief purposes, while the other provided for the same taxation to provide a raise in teacher's salaries. An emergency one-cent amusement tax enacted during the Earle Administration has expired.

Wis. Salons to Resume Tax Bill Consideration

Madison, Wis.—Administration leaders here are believed to have sufficiently co-ordinated their forces to return to the job of attempting to enact a tax bill for the biennium, tomorrow.

Whether the tax proposal will contain anything to be feared by exhibitors remains to be seen, although there have been rumors of an increased tax on chain stores. To date, exhibitors have successfully staved off a tax on film, admissions and an occupational theater tax.

Small Chi. Houses Get License Fee Reductions

Chicago—Effective Sept. 9 the city tax on film theaters, seating fewer than 350 persons, will be reduced from \$250 to \$200 a year. For houses seating more than 250 and less than 750, the tax will be reduced from \$325 to \$275. This applies, according to city council amendment, only to theaters making a maximum charge of 25 cents.

Temporary D of J Field Staff for Oklahoma City

Oklahoma City—Contrary to previous reports, Oklahoma City has no chance of becoming the location of a permanent anti-trust division office of the Department of Justice. A temporary field staff may be set up here, however, officials have announced.

Holt to Confer on Policy

Nat Holt, RKO Great Lakes division manager, is vacationing in Atlantic City. Before returning, he will confer with home office officials to determine the new season policy at the RKO Palace, Cleveland.

Oklahoma Allied Unit May Meet on Sept. 26-27

Oklahoma City—Tentative dates for the Allied Theater Owners of Oklahoma convention have been set by the association's organizing committee as Sept. 26-27 at the Biltmore Hotel in Oklahoma City.

First plans, according to chairman Orville Von Gulker, call for a number of speakers on the first day with a banquet that evening if a "very important speaker" can be secured.

The committee is set to meet again Aug. 22 at the Biltmore to discuss convention plans and arrange further details, according to Von Gulker.

N. D. Golden Commerce Rep. at World Trade Center

Washington Bureau of THE FILM DAILY

Washington — Secretary of Commerce Harry I. Hopkins has designated Nathan D. Golden, chief of the Motion Picture Division as the department's representative at the World Trade Center of the New York World's Fair for the week of Aug. 14.

Golden will be available to domestic and foreign motion picture distributors for discussions of problems relating to the industry during his stay in New York.

Robert Lury Sails Today For "U" Post in Japan

Robert Lury, whose appointment as Universal representative in Japan was announced recently by J. H. Seidelman, foreign department head, sails today from the West Coast on the Kamakura Maru to take up his new duties. Lury formerly was associated with M-G-M in Japan and Manchuria and was general manager in the Dutch East Indies.

Warners' Brazilian Exec. Killed In Plane Crash

Rio de Janeiro (By Cable)—Evaristo G. Miranda, manager of Warners branch office in Recife, Brazil, was killed in the crash of the Pan-American Clipper at Rio de Janeiro Sunday. Miranda was on his way from Recife to Rio to attend a sales meeting, called by Sam E. Morris.

Republic Signs Contract

West Coast Bureau of THE FILM DAILY

Hollywood—Threat of a strike of directors and assistant directors at Republic was averted late Monday when Republic signed a contract with Screen Directors' Guild to pay assistant directors same scale and provide same working hours prevailing at all major studios.

"U" Signs Ill. Circuits

Chicago—Peck Gommersall, Universal Exchange manager, says down state circuits are signing up rapidly. Among the 1939-40 contracts received at the Chicago offices, are the Alger, the Bailey, the Kerosatoes and Hamline circuits.

COMING AND GOING

J. CHEEVER COWDIN, board chairman of Universal, is in Hollywood.

SAM ZIMBALIST, Metro producer, is vacationing in New York.

WALTER BATCHELOR has returned to the Coast after a New York visit.

WILLIAM WYLER, director, is here from Hollywood for a brief stay.

CLEMENTE LOCOCO, Argentine exhibitor, returns here this week from Hollywood en route to Buenos Aires.

BERT STEARN, United Artists district manager in Cleveland, is in New York on business.

DAVID NIVEN is at the Waldorf.

ERICH POMMER is due here Friday from England on the Mauretania.

ROBERT STEVENSON, English director, TAMARA, LEON LEONIDOFF, ERIC VON STROHEIM, SIMONE BERRIAUD, ANDRE LEFAUR, MICHEL SIMON, CLAUDE DAUPHIN, ROSINE DERENE, LISE COURBET and YVES MIRANDE, French producer, arrived yesterday on the Normandie.

JOHN EBERSON is scheduled to leave New York tomorrow for Texas.

MRS. JOHN MEHAN and son leave Hollywood for New York this week. They will be there for three months.

MONTY BANKS, director for 20th-Fox in England, arrived yesterday on the Normandie. He goes to Hollywood tomorrow.

WILLIAM C. GEHRING, central division manager for 20th-Fox, left for Chicago last night to continue negotiations with the Great States Circuit for the 1939-40 product lineup.

S. BARRET McCORMICK, ad. and pub. chief-tain of RKO, has delayed his scheduled departure from the Coast for New York. He was expected over the week-end.

FRANK DONOVAN, RKO Pathe News production manager, is vacationing.

LOUISE ROUSSEAU, assistant to Donovan, is in Hollywood for a combined vacation and business trip.

JAMES R. GRAINGER, Republic prexy, returned from New Orleans yesterday morning and left last night for Detroit, returning here tomorrow.

CHARLES C. PETTIJOHN and his son, CHARLES, JR., sail from France Aug. 28 for New York on the Normandie.

ROBERT H. LURY, newly appointed Universal representative in Japan, sails today for Tokyo.

WILLIAM WYLER is here from the Coast.

L. W. CONROW, Altec president has returned to New York from Washington.

HERBERT T. SILVERBERG, Coast film attorney, was in Cleveland yesterday; subsequent stops en route to Hollywood are Detroit, St. Louis, Kansas City, Oklahoma City, Dallas and Denver.

EIGHT YEARS

With eight years of experience with major companies behind me, with a record to be proud of finds me now in quest of a new affiliation due to circumstances over which I have no control. My foreign production department experience qualifies me to fill any position in a foreign production department where my past experience will prove of exceptional value to the right company. I am experienced in superimposing, re-recording of commentary versions, censorship cutting, French dialogue pictures and editing of English titles. Knowledge of French, Spanish and Italian.

Write Box No. 1200

THE FILM DAILY

1501 Broadway New York City

HAYS SOUNDS KEYNOTE FOR GOLDEN JUBILEE

(Continued from Page 1)

be that future historians will mark as a great milestone in the art the period when the screen developed a sense of public responsibility," Hays said. "That is the basis of the industry's self-regulation which has added vastly to the dignity and significance of the art."

Asserting that "today the better products of the screen are addressed to a universal audience, and movie entertainment covers the whole gamut of drama, history, literature and life," the MPPDA exec. adds that the new pictures "do not mark the closing of a period but the beginning of a new and greater era of universal entertainment."

Hays concludes with a summary of 39 forthcoming pix for the Fall and Winter season. Singled out for mention are:

"Abe Lincoln in Illinois," "Adventures of Sherlock Holmes," "Allegheeny Frontier," "Another Thin Man," "Babes in Arms," "Balalaika," "Disputed Passage," "Drums Along the Mohawk," "Eternally Yours," "Fifth Avenue Girl," "First Love," "Golden Boy," also—

"Gone With the Wind," "Hollywood Cavalcade," "In Name Only," "Intermezzo," "Mr. Smith Goes to Washington," "Ninotchka," "Northwest Passage," "Nurse Edith Cavell," "On Your Toes," also—

"Pinocchio," "Rulers of the Sea," "Stanley and Livingstone," "The Blue Bird," "The Great Dictator," "The Hunchback of Notre Dame," "The Light That Failed," "The Old Maid," "The Private Lives of Elizabeth and Essex," "The Rains Came," also—

"The Swiss Family Robinson," "The Underpup," "The Wizard of Oz," "The Women," "Tower of London," "Victor Herbert," "We Are Not Alone," "When Tomorrow Comes."

Peerless Plans 8-6

West Coast Bureau of THE FILM DAILY

Hollywood—Series of action melodramas, calling for a maximum of eight and a minimum of six pictures, will be produced for the state rights market by Peerless Pictures, Inc., it was announced yesterday by Sam Efrus.

Leroux Acquires Rights

Leroux Film and Trading Corp., New York, has closed a deal for the North and South American distribution rights to "La Route Heroique" which is being produced by the French SIPEC company in Paris.

STORKS!

Columbus, O.—Mr. and Mrs. Bill Pullin, Jr., are parents of Bill, III, born Aug. 9. Father is associated in business with his father at the Linden Theater. Bill, Sr., is chief barker of Variety Club, Tent Two.

ALONG THE



WITH PHIL M. DALY

● ● ● SO youse gals and guys.....who give your all for this biz.....in the domestic sales departments....think you have troubles, do you.....well, mesdames and sirs....you don't know what real trouble is.....take it from a visiting exec.....for a major company.....in the Far East.....and if you won't take his word for it.....he's prepared to produce a scrapbook or two to prove what follows.....

● ● ● SUPPOSE you were blamed.....because natives with bolo knives.....were continually cutting up.....an exhib's screen.....said exhib. claiming the responsibility was yours.....because you sold the film that irked.....the Philippine headhunters.....things got so bad in this particular house.....that the exhib. finally.....fell back on paper screens.....and thus reduced the loss.....then there's the story about the Chinese who tossed hand grenades.....at the ticket seller, the screen and the audience.....and the kinfolks of the deceased.....promptly stacked the coffins in the theater lobby.....and picketed the house.....not content with that.....they sued the owner.....and the latter promptly sued the distrib.....

● ● ● AND how would you like it if you had to think up title changes like these.....for Chinese distribution....."Wife, Doctor and Nurse" became "In His Right and Left Arms"....."Marked Woman" became "Tears In a House of Ill Repute," tch, tch....."God's Country and the Woman" was turned into "Green Hills and Red Powder".....while "The King and the Chorus Girl" somehow appeared as "A Playful Dragon Has a Lark with a Phoenix".....those are mild....we blush at some of the others.....expense accounts also provide some amazing reading matter.....an item for 75 cents was listed by a Philippine salesman.....a footnote explained that he had hired a porter.....to carry his film cans over 27 miles of impassable mountain paths.....this was further explained by the salesman.....who said that what with his own baggage and the film cans.....his total tonnage amounted to some ??? pounds.....and he really needed some help.....

● ● ● IT took 100—count 'em, 100—of New York's Finest yesterday.....to handle the metropolitan advent.....of Judy Garland and Mickey Rooney.....and for a time it looked as if.....they could have used more.....Yes, sir, Andy Hardy rode high yesterday.....and so did Judy.....thanks to Loew's indefatigable publicists.....

● ● ● BREVITIES. . . ● Additional gifts of \$1,378.63.....received by the MP Section of the Greater New York Fund.....have swelled the total to \$70,151.18.....Loew's J. Robert Rubin reported yesterday. . . ● U. S. debut of "The End of a Day," French pix.....at the Filmarte on Sept. 11.....will be sponsored by Daniel Frohman, Otis Skinner, Katharine Cornell.....Walter Hampden, May Robson, George M. Cohan and Katharine Hepburn.....as a benefit for the Actors' Fund. . . ● As a television preparedness step.....the NBC is reported planning to produce.....a series of four Mozart operas.....at the 44th St. Theater.....development of talent is the objective. . . ● Nobody has ever accused Warners of lack of guts.....but it took more than the average measure.....for that WB decision to title the forthcoming Dr. Paul Ehrlich story....."Test Number 606" . . . ● The Lambs Annual Washing is set for next Sunday.....at the Percy Williams Home, East Islip, L. I. . . ● If we were inclined to take seriously.....that slap at the trade press.....which appeared in a New York sheet yesterday.....we'd point out its reliance.....on the same trade press.....for 99 per cent.....of the film news which appear in its columns.....

U. S. MAJORS BLOCK CUBAN TAX PROVISIO

(Continued from Page 1)

is not expected to contain any provisions which will tax importers and distributors of foreign pictures here when it is finally passed. Object of the legislation is to raise funds to foster the native industry.

American distribs. presented a joint statement to the Legislature in the form of a letter which pointed out the iniquity of the proposed special taxation and abrogation of the right of free contracts, and also showed that the estimated total of receipts received by distributors was greatly exaggerated.

N. J. Allied Expects 400 at Atlantic City Parley

(Continued from Page 1)

Allied, who is "on loan" to the New Jersey unit.

Kelly said that reservations from the major home offices were coming in rapidly. Because of the Beauty Pageant which opens in Atlantic City during the convention, the hotels are almost entirely booked up and Kelly advises that exhibitors who expect to attend should make reservations immediately.

Prospective heavy attendance by exhibitors is attributed to the large number of important issues now facing the industry, Kelly said.

Government To Probe Charge of \$100,000 Paid to Bioff

West Coast Bureau of THE FILM DAILY

Hollywood—Charles H. Carr, special assistant to U. S. Attorney General Frank Murphy, arrived in Los Angeles yesterday to start an inquiry into charges that William Bioff, former Coast representative for the IATSE, had been paid \$100,000 by a major producer in connection with the studio strike of 1937.

The investigation is expected to last for several weeks and Carr's recommendation will be submitted to Washington to determine whether any prosecution shall follow.

WEDDING BELLS

C. W. Kent, Altec inspector, will be married on Sept. 2 to Miss Mary O'Dell. Thirty Eastern District Altec men honored Kent with a bachelor dinner last week at the Great Northern Hotel.

London (By Cable)—Engagement is announced of Nova Pilbeam and Penrose Tennyson, film director.

Chicago—Ted Lyon, Warner exchange booker, and Pearl Fireman, assistant exchange cashier were married, and are now honeymooning in Canada.

AFL COM. CONSIDERS A FIVE-POINT PLAN

(Continued from Page 1)

head, AFA executive secretary, from all actors' union activities.

2—Recognition of the right of AAAA to expel AFA.

3—Reinstatement of Sophie Tucker and Harry Richman.

4—Voiding of the charter issued to AFA by IATSE.

5—Calling of an election of the AFA membership to vote for a new slate of candidates—the election to be supervised by a joint committee representing all interested parties.

Rumors that Ralph Whitehead would resign as executive secretary of AFA were denied last night in a statement from Sophie Tucker, president of the group. Miss Tucker claimed in her statement that the AAAA had offered Whitehead a clean bill of health if he would resign, but that he had refused on the ground that he had done nothing dishonest.

Neither Miss Tucker nor Richman would be barred from the ticket.

Green, at his press interview, was of the opinion that the committee would bring in a decision today and said, "All parties concerned are showing a more tolerant attitude toward one another in regard to questions under discussion."

Green said that the special committee is striving to maintain unity, and that the IATSE, which has no part in the meetings, will accept any understanding reached by the Council.

Matthew Woll last night was hopeful about the situation. He thought that developments looked promising, and that the matter might be cleared up today.

Yesterday's session of the AF of L Council listened to reports of the special committee but took no action, other than to order the members to continue along present lines.

It was learned yesterday that in the event of a peaceful settlement of the dispute, in all probability suspension actions and charges by AAAA affiliates against Miss Tucker and Richman, would be dropped.

Judge Bondy Signs Order Okaying RKO Stock Change

(Continued from Page 1)

tificates, the form of scrip certificates for fractional shares, and the form of option warrants, in a signed order.

Judge Bondy at the same time approved of proposed amendments to the certificate of incorporation which increases the authorized stock issue to 8,000,000 shares of common.

Franchises to Goldberg

Cincinnati—Lee Goldberg of Big Feature Rights has closed a five-year franchise deal with Producers Distributing Corp. for Ohio, Kentucky and Indiana. Goldberg has also closed with Alliance for the same states plus Tennessee. Warners' Ohio houses have been signed for the Alliance product.

New York Banks Ready to Back Coast Indies Who Can Get Major Releases

New York banks are prepared to back West Coast production by indies who can secure major releases, it was learned yesterday.

Several of the larger metropolitan banking institutions, seeking an investment outlet for cash now crowding their vaults, are eyeing the West Coast situation, and have indicated that they will be interested in any substantial indie propositions.

Couple of tentative deals were discussed here last week by Herbert T. Silverberg, Coast film attorney, who is due back in Los Angeles Friday to further discussions.

Loew's May Add Nabes in Argentine's Capital

(Continued from Page 1)

recently returned from South America and South Africa. Loew representatives in Buenos Aires are scouting after suitable sites, Burger said.

M-G-M business in South America, he stated, has shown a steady improvement. Installations of air conditioning equipment have boosted theater grosses, Burger said, adding that Loew's was the first to cool its theaters and that other houses were forced to follow suit.

Burger said that Clark Gable, Mickey Rooney, Spencer Tracy, Robert Taylor and Nelson Eddy are the most popular M-G-M stars among the South American women, while Greta Garbo, Norma Shearer and Jeanette McDonald rank the highest among the men.

The trip to South America and South Africa was of a routine nature, Burger said, explaining that it constituted one of his annual survey jaunts.

7 New Michigan Houses Bow In During Quarter

Detroit—Quarterly report just released by Allied Theaters of Michigan shows seven new theaters added to the Michigan list: Rainbow, Detroit; Albion, Albion; "B," Charlotte; New Century, Coopersville; Flatroc, Flat Rock; New Garden, Garden City; and the New Milan, at Milan.

Two theaters in the state are reported closed—the Wolverine and Times Square, both of Detroit; six houses upstate and one in Detroit changed hands in the period.

Mrs. W. J. Millard Dead

Detroit—Mrs. William J. Millard, 63, owner of the Star Theater at Gladwin, died in Saginaw General Hospital, and was buried at Gladwin. Three children survive. One daughter, Mrs. Pauline Heslop, who has operated the house for the past year, will continue as manager.

Leichter New York-Bound

West Coast Bureau of THE FILM DAILY

Hollywood—Mitch Leichter leaves this week with a print of "Sudan" for Portland, Denver, Dallas, Atlanta, Philadelphia, New York, Canada, Cleveland, Detroit, Chicago, St. Louis, Kansas City and Minneapolis.

S-W Managers Meet

Philadelphia — Stanley - Warner zone managers, district chiefs, etc. meet here in annual session today.

Mass. Labor Board Rules Against TMAT in WMT Case

(Continued from Page 1)

Inc., was denied by the state labor relations board commission.

Daniel J. Collins announced that the union had lost a collective bargaining election held May 15 by a margin of three votes. Three of the theater company employees were declared ineligible and their votes were not considered.

Three complaints filed against the chain by the TMAT were dismissed without prejudice. Collins recorded the union had charged the company with refusal to bargain in good faith, intimidation and coercion of its employees at the time of the election and discrimination against George Coleman, manager of the Arcade Theater.

It was reported last night that Coleman will be reinstated but not at the Arcade and that two other men who were forced out of employment by the closing of the Paramount July 5 would go back to work. Harry Storin, former manager of the Paramount, will not be rehired, it was added. His place has been filled by William T. Powell, former newspaper editor in Maine and Vermont.

Film "Kol Nidre" In N. J.

The Yiddishe Bande, Polish-Jewish art troupe, who made their U. S. debut on Broadway last season, will be starred in "Kol Nidre," a new Yiddish feature picture which is now being produced and directed by Joseph Seiden at the Cinema studios at Palisade, N. J. Don Malkames is doing the camera work on the film, which is based on an original story by Isidore Frankel. The cast includes; Lillie Lilliana, Menasha Oppenheim, Joseph Shoengold, Bertha Hart, Yetta Zwerling and Leon Liebgold. It is scheduled for release in September.

Landy Forms Elite

Formation of Elite Productions, Inc., was announced yesterday by Ludwig Landy, pioneer producer of foreign language pictures here. Landy, who produced "Green Fields" and "The Singing Blacksmith," plans to make a series of three films in the near future at the Film Art Studios, New York.

Hoffberg Sets Kraska Deal

Deal has been closed by Oliver Unger, sales manager of J. H. Hoffberg Co., Inc., with George Kraska, operator of the Fine Arts Theater, Boston, for the company's 1939-40 product lineup.

BROADWAY BIZ BUCKS WEATHER, STAYS BIG

(Continued from Page 1)

what short of the previous week-end, but one of the factors which entered prominently into the result was the unusual fact that six of the chief stands were offering holds for the first time such a condition has prevailed in a proverbial blue moon. Considering this situation, highly indicative in itself of the strength of current product, turnstiles clicked merrily.

Radio City Music Hall checked in with report that RKO Radio's "In Name Only" stood a good chance of rolling up close to \$90,000 in its second week, the Saturday and Sunday business was so strong. The Paramount, offering the second week of "Beau Geste," grabbed about \$15,000 on the week-end, an excellent showing. The two-day holiday saw the Roxv with "Stanley And Livingstone," doing so well that the attraction was immediately slated for a third week. Rivoli with the UA-Goldwyn magnet "They Shall Have Music"; Capitol, housing UA-Korda's "Four Feathers"; and the Astor, with the hardy perennial "Goodbye, Mr. Chips," got worthy share of the patronage.

The only newcomer to the Broadway scene, Warners' "The Old Maid" at the Strand, cashed in handily with gross steadily building. Yesterday the attraction did even better than on opening day, evidence of its entertainment power.

Reports received by 20th-Fox from eight other keys where "Stanley And Livingstone" is beginning runs are to the effect that figures are surpassed only by "Jesse James" and "Alexander's Ragtime Band" as a business-getter.

"Four Feathers" continued to chalk up records over the week-end, United Artists reported yesterday. Picture reportedly drew patronage ranging from 35 to 60 p.c. above normal in approximately 12 situations.

Philly Indies Plotting Court Battle on Games

(Continued from Page 1)

men to contribute, with money to be returned if the move does not go through. William A. Schnader would be the attorney if the plan is effectuated.

Carriers Hold Pix Biz

Chicago—Reduced express rates on film packages under 35 pounds, which became effective April 15, have failed to cut into film carrier biz in this territory, according to J. Allen of the Allen Film Delivery Service.

Examination Ordered

Film Exchanges, Inc., yesterday was ordered by New York Supreme Court Justice Kenneth O'Brien to appear for examination before trial in the suit against it brought by Celia Bershon.

FOR THE
NEW WARNER SEASON
'THE OLD MAID'



As SINGULAR AN ACHIEVEMENT
As THE *PULITZER AWARD PLAY*
As DEEPLY TO BE CHERISHED
As THE RENOWNED *BEST SELLER*
As ASSURED OF SUCCESS
As WARNER BROS.' UNFAILING PRODUCTION
POLICY CAN MAKE IT

BETTE MIRIAM
DAVIS • HOPKINS
in
"THE OLD MAID"
with
GEO. BRENT

DONALD CRISP • JANE BRYAN • LOUISE FAZENDA
JAMES STEPHENSON • JEROME COWAN • WM. LUNDIGAN • CECILIA LOFTUS

Directed by EDMUND GOULDING

Screen Play by Casey Robinson • Based on the Pulitzer Prize Play by Zoe Akins and
the Novel by Edith Wharton • Music by Max Steiner • A First National Picture

JACK L. WARNER • HAL B. WALLIS • HENRY BLANKE

In Charge of Production

Executive Producer

Associate Producer

PHILLY TRUST ACTION NAMES S-W, 6 MAJORS

(Continued from Page 1)

UA and Universal in addition to the Warner theaters. C. Brewster Rhoades is the attorney for the plaintiff.

Use has a run of Columbia and 20th Century-Fox product, which probably accounts for their not being defendants.

Graves charges a conspiracy to restrain trade as well as monopoly on the part of the defendants. He charges that the Carman has not been able to get sufficient first-run pictures for its operation. He charges that the Uptown, a Stanley-Warner house, buys approximately 300 pictures a year although it cannot use more than 100 and that the Uptown is able to tie up this product without obligation to pay more than a small percentage. He also charges that the Uptown thus controls the entire distribution without excessive financial commitment. He claims that as a result, the Carman has suffered substantial losses and that the attending public has been affected by this alleged restriction.

The plaintiff asks that the distributors be enjoined from entering into any contract with respect to the Uptown under which the exhibitor defendants are permitted to buy more feature pictures than can be reasonably used by it, that the defendants be enjoined from conspiring in any way to prevent the plaintiff from enjoying first-run privileges, and the defendants be enjoined from encouraging or carrying out any monopoly practices.

Grainger Closes 1939-40 Product Deal With Saenger

Deal has been closed by Republic with the Saenger Theaters Corp., and Saenger Affiliated Theaters Corp., for the company's complete 1939-40 product lineup, it was announced yesterday by James R. Grainger, prexy, upon his return from New Orleans. Pact covers 123 houses in Louisiana, Alabama, Mississippi and Florida.

In addition to Grainger, A. C. Bromberg, southern franchise holder for Republic, Clair Hilgers, southern district sales manager, and Leo Seicshnaydre, manager of Republic's New Orleans exchange, represented the company. Gaston Dureau and L. C. Montgomery negotiated for the theater chain.

Bob Burns' One-Nighter

Ft. Worth, Tex.—Bob Burns has been set for two appearances at Casa Manana, open air cafe-theater in Fort Worth, Tex., on the night of Aug. 21, by the William Morris Agency, producers of the Casa Manana Revue. This will be the first special one-nighter for this season. Ray Noble's orchestra comes in for two weeks on Aug. 18, while Tony Martin is scheduled for one week's p.a. the following week.

Fewer Chi. Triples

Chicago—Triple bills lost out over the week-end in Chicago area, the checkup showed only four houses featuring triples. The Rosewood again offered a four feature program.

Premiums came back with a rush, the checkup showing 45 houses advertising giveaways with their dual bills. Premium use expansion is on in the suburbs.

Boston Ushers Strike Hits M & P Suburban Theaters

(Continued from Page 1)

during the day to the Paramount and the Washington St. Olympia is gaining additional momentum and now includes M & P Theaters Corp. houses in suburban Boston.

The walkout, which is pointed toward union recognition and coincidental "better working conditions" and higher wages is centered in the Paramount-affiliated theater chain. Picketing ushers are seeking to turn prospective customers to RKO and Loew theaters where the ushers' union has been recognized. A mediation meeting was still unscheduled yesterday.

Spokesman for the stagehands and projectionists admitted that their locals might be called out in sympathy. There has been no attempt so far as to establish a picket line that AFL members may not pass.

Walkout is being directed by Walter Nolan, pre-medical student who is president of the ushers' local and is himself an usher at Loews Theater.

Columbus Exhibs' Co-op Booking Attempt Fails

(Continued from Page 1)

vice, Inc., comprised of a majority of local exhibitors, excepting the J. Real Neth and Ethel Chesbrough Circuits.

Failure of the five-month old combine to justify existence may be attributed to reported refusal of distributors to sell the houses as a group.

Producers Reply to NLRB's Complaint on SWG Contract

West Coast Bureau of THE FILM DAILY

Hollywood — Declaring they had made every reasonable effort to arrive at a written contract and that they had been willing, and were still willing, to continue collective bargaining, the motion picture producers Monday filed an answer to an amended complaint issued by the NLRB based on charges made by the Screen Writers' Guild.

The producers' reply states they believe an effort is being made to drive them into a contract with the SWG for a term of less than seven years, the period sought by the producers.

Horton Rites Today

Ellenville, N. Y.—Funeral services will be held here today for Henry (Hi) Horton, 73, veteran actor.

REVIEWS OF NEW FILMS

"Lady Of The Tropics"

with Robert Taylor, Hedy Lamarr,
Joseph Schildkraut

M-G-M

92 mins.

LAMARR-TAYLOR COMBINE SHOULD MAKE THIS ONE OF YEAR'S HEAVIEST B. O. CLICKS.

Lamarr is beautiful, Lamarr is luscious and Lamarr here is definitely box-office with a big bang. Teamed with Robert Taylor, this is a double-header attraction that will prove a magnet at any exhibitor's theater. In addition to the two stars, the brilliant talents of Joseph Schildkraut add a suave polish to the finished product. A capable cast of finished actors provides more than adequate support for the principals. Sam Zimbalist has given the film a lavish production and Jack Conway in his directorial capacity exacts every ounce of glamour and drama that the story allows. Action of the film is slow in getting under way, but after the first clinch between Lamarr and Taylor, the audiences won't know or care whether or not there is a story. Story opens with arrival of Taylor, a playboy who is broke, in Saigon, Indo China, on the yacht of an American millionaire whose daughter he plans to marry. The inevitable meeting between the exotic halfcaste, Miss Lamarr, and Taylor takes place in a hurry and he goes overboard hook, line and sinker. However, numerous difficulties crop up in the presence of a native prince she is supposed to marry, and the ominous Schildkraut, power behind the local political scene, himself a halfcaste, and extremely desirous of marrying Hedy. She marries Taylor and Schildkraut blocks her from leaving the country by ordering the governor to refuse her a passport. Things go from bad to worse until she gets Taylor a job in one of Schildkraut's rubber companies. Naturally there is a price to pay, and when Taylor returns from the rubber plantation he learns what has happened. He sets out to kill Schildkraut, but Hedy gets there first and shoots him. She returns to her hotel rooms and shoots herself, dying in Taylor's arms as he pleads forgiveness. Her passport has been issued, but Schildkraut had made certain she would never use it. "East is East and West is West, but never the twain shall meet," to lift a line from Mr. Kipling.

CAST: Robert Taylor, Hedy Lamarr, Joseph Schildkraut, Gloria Franklin, Ernest Cossart, Mary Taylor, Charles Trowbridge, Frederick Worlock, Paul Porcasi, Margaret Padula, Cecil Cunningham, Natalie Moorhead.

CREDITS: Producer, Sam Zimbalist; Director, Jack Conway; Original Story and Screenplay, Ben Hecht; Cameraman, George Folsey; Editor, Elmo Vernon.

DIRECTION, Good. PHOTOGRAPHY, Excellent.

150 at Carriers Outing

Chicago—The Chicago Film Carriers Association had more than 150 members and friends at the annual picnic at Manheim Woods, Sunday. The baseball game between the Film Carriers and the Henri Elman Film Row team was a highlight. Harry Porter of the Photoplay Company's poster division and C. H. Otto of the Film Carriers headed the committee.

☆ SHORTS ☆

"The Birthplace of Icebergs"

(Father Hubbard's Alaskan Adventures)

20th-Fox

11 mins.

Top-Notch Entertainment

Something different in the shorts field, this new 20th-Fox series promises to be outstanding. The initial release, with a combined narrative by Father Hubbard and Lowell Thomas shows us that icebergs actually come up from the bottom of the ocean instead of falling into the sea from glaciers, which is the popular, but mistaken belief. The camera work is magnificent and the Alaskan icefields, mountains and coastline, filmed both from the air and by boat, are impressive and awesome to look at. A sequence showing great masses of ice breaking off the glacier with an accompanying thunderous roar is outstanding. Produced by Truman Talley.

"The Memory Lingers On"

(Bert Ennis Novelty)

Progress

10 mins.

Swell Subject

Second release of "The Memory Lingers On" series, conceived and produced by Bert Ennis, is cleverly devised entertainment. Reel presents, largely in an aura of sentimentality, such personalities and subjects as Teddy Roosevelt, Amelia Earhart on her solo ocean hop, the formation of United Artists, sequences from early starring vehicles of Mary Pickford, Doug Fairbanks and Charlie Chaplin, the exciting first round of the Dempsey-Firpo fight, and as a punch climax, the final sinking of the battleship Maine, blown up in Havana harbor in 1898. The pace and content matter of this short has been skillfully varied, the verbal interpolations are crisp and informative. The verbal treatment of the Pickford episode is done in comedy style by Ennis.

"The Two-Headed Giant"

(Terry Toon)

20th-Fox

7 mins.

Swell Short

Our old friend, Mr. Paul Terry's notable two-headed giant is brought back again in this cartoon. Our friend Jack The Giant Killer comes riding into a scene of destruction as the mighty giant crushes houses and assaults the castle where Jack's princess is trying to escape the marauder. Jack unleashes a mighty attack with his bow and arrow, staff and whatever other weapon happens to be handy and he saves the day. Kids and grownups too will like this short. It is in Technicolor.

Vote for Sunday Pix

Crossville, Tenn.—Sunday film shows, authorized by a referendum, will start here Aug. 27.

THE ROLL CALL OF SUCCESS!

CLEAN SWEEP OF SMASHING

FOR THE GREATEST WOMAN'S



177%
OF TOP
BUSINESS

LOS ANGELES

"Absolutely the biggest Friday business in years . . . tops everything we ever had!"



150%
OF TOP
BUSINESS

ASHEVILLE, N. C.

"Biggest Friday opening in years. Audience reaction and reviews marvelous."



131%
OF TOP
BUSINESS

ROCHESTER

"A box-office smash. Beat everything in sight!"



175%
OF TOP
BUSINESS

SAN FRANCISCO

"Seems like all the women in town were waiting for this . . . and they all came at once to see it!"



120%
OF TOP
BUSINESS

STAMFORD

"Women wild about picture . . . sock business in Waterbury and Danbury too."

IRENE DUNNE and CHARLES BOYER
UNIVERSAL'S PRESENTATION of

TEN WEEK-END OPENINGS AND A RECORD BREAKING GROSSES PICTURE IN TWENTY YEARS!



165%
OF TOP
BUSINESS

SYRACUSE

"Excellent smash opening with Boyer and Dunne dynamite with audience."



135%
OF TOP
BUSINESS

CINCINNATI

"It slayed the gals for a better opening than any Universal picture in two years!"



125%
OF TOP
BUSINESS

NEW ORLEANS

"Biggest day's business in months!"



153%
OF TOP
BUSINESS

LOUISVILLE, KY.

"Exceptional! Almost double the previous big ones we've had!"



156%
OF TOP
BUSINESS

SEATTLE

"Best opening in months. Comments excellent. The femmes are in hysterics about it!"

"WHEN TOMORROW COMES!" JOHN M. STAHL'S TOP TRIUMPH!

to

"STANLEY AND LIVINGSTONE'S"
RECORD-BREAKING RUNS IN
NEW YORK, LOS ANGELES
AND WASHINGTON...

add

**SAN
FRANCISCO**

Beating every 20th hit to
play the Paramount this
season!

DETROIT

Sets a new high by fifty per
cent at the Fox!

CHICAGO

Tops everything but 20th's
all-time record hit, "Alexan-
der's Band", at the Chicago!

the new season's biggest news!



THE KEYSTONE
OF YOUR FUTURE

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V(76, NO. 32

NEW YORK, WEDNESDAY, AUGUST 16, 1939

TEN CENTS

Evidence in Coast Probe to U. S. Grand Jury in Sept.

AAAA JURISDICTION UPHELD BY A F OF L

State Labor Convention to Back Eastern Production

Resolution Slated for Adoption Wants 10% of Pix Made in New York

In a concerted drive to bring back production in the East, Sal J. Scoppa, business agent of Local 52, studio mechanics, backed by the entire IATSE and A F of L bodies in New York State, will present a resolution before the State Federation of Labor convention today which will ask that 10 per cent of all pictures produced each year should be made in New York.

Resolution is certain to be adopted, it was stated last night. In the resolution, Scoppa states that, whereas more and more money is being loaned by New York banks for

(Continued on Page 6)

SAY SWISS QUOTA MAY FORCE OUT U. S. COS.

Berne (By Cable)—With U. S. distributors strongly opposed to the pending Swiss quota act, it was reliably learned yesterday that the companies are seriously considering withdrawal should the measure become effective.

At the present time, it is understood that the matter has been turned over to the American State Department in the hope that some equitable agreement can be reached.

Loew's Calling 1947 Realty Bonds at 102 on Sept. 15

Loew's Theater and Realty Corp. is redeeming its First Lien 6 p.c. sinking fund gold bonds on Sept.

(Continued on Page 8)

Film Daily Service

London (By Cable)—When Harry Warner arrived here yesterday, an envelope containing copies of THE FILM DAILY published since his departure from New York awaited him at his hotel. The copies were sent by Clipper on Friday.

Editorial

For a Press Relations Bureau

... and the quicker, the better

By CHESTER B. BAHN

MORE than six months ago, Howard Dietz, Metro's ad-publicity chief and chairman of the advertising committee of the 1938 industry drive, submitted a well-considered formal report in which he recommended, among other things, the establishment of a permanent press relations bureau "for the proper handling of the newspaper relations of this industry."

It was a report favorably received generally, both inside and outside the industry, and there were indications that the recommendation for a permanent press relations bureau would be adopted. For one reason or another—perhaps because the industry

(Continued on Page 2)

K-A-O, B. F. KEITH SHOW MARKED GAINS

Both the B. F. Keith Corp. and Keith-Albee-Orpheum Corp., and their subsidiaries increased their net profits after all charges for the 26 weeks ended July 1, according to

(Continued on Page 6)

JLS Threatens Court Action Over Product for Oriental

Chicago—Threat of court action to obtain product for the Oriental Theater was made by Aaron Jones, president of the Jones, Linick &

(Continued on Page 8)

EXPECT EARLY EQUITY SUIT TRIAL ORDER

Federal Judge John C. Knox, who is considering the government application for an early trial in its equity suit against the majors at a closed hearing on Friday, August 11, on

(Continued on Page 8)

Ushers Strike Extended as Peace Parleys Start

Boston—IATSE ushers strike at local Paramount-M & P Theaters Corp. houses yesterday extended outside of Boston for the first time

(Continued on Page 8)

Murphy's Aide Started Interviewing Execs. Tues.; Quick Action Demanded

Industry Escapes Adverse Legislation in Bay State

Boston—Third longest sitting legislature in Massachusetts history, the 151st closed this week without passing any laws hitting at film industry. Film slate was wiped clean be-

(Continued on Page 8)

West Coast Bureau of THE FILM DAILY

Hollywood—Month-long parade of industry execs. into the offices of Special Assistant U. S. Attorney General Charles H. Carr for interviews in connection with the D of J's triple industry probe here is already under way.

In his investigation of alleged la-

(Continued on Page 8)

IATSE Must Withdraw AFA's Charter; Reinstatement by 4 A's Specified

By W. H. McMAHON

FILM DAILY Staff Correspondent

Atlantic City—The A F of L Executive Council last night (1) called upon the AAAA to reinstate the AFA, its officers and members, and withdraw the charter issued to the AGVA; (2) affirmed the AAAA's jurisdiction "over all performers in the amusement and entertainment world"; (3) directed the IATSE to withdraw its charter to the AFA; (4) requested the AFA to withdraw all pending litigation and likewise immediately withdraw from the IATSE; (5) specified the AFA must hold new elections within 90

(Continued on Page 7)

HEARINGS NEXT WEEK ON RKO STOCK PRICE

Order of Federal Judge William Bondy referring to Special Master George W. Alger the question of the fairness of the price of \$4 per share for shares of common stock of RKO which will be issued under

(Continued on Page 8)

Estimate \$8,095,000 "Take" In Okla. for Fiscal Year

Oklahoma City—Total box office receipts of theaters in Oklahoma have varied little so far this year with March being the high spot, equalling last December, figures of

(Continued on Page 8)

RKO Boosts Sisk

West Coast Bur., THE FILM DAILY Hollywood—When Robert Sisk completes his work on a group of pictures now in production, he will be upped to handle RKO's more important pictures and special features.

THE NEWSPAPER OF FILM DOM THE Film DAILY ALL THE NEWS ALL THE TIME

Vol. 76, No. 32 Wed., August 16, 1939 10 Cents

JOHN W. ALICOATE : : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	123 3/4	123 3/4	123 3/4	+ 1/4
Col. Picts. vtc. (2 1/2%)	9 1/2	9 3/8	9 1/2	+ 1/2
Columbia Picts. pfd.	24	24	24	.....
Con. Fm. Ind.	.....	.....	.....	.....
Con. Fm. Ind. pfd.	11 1/4	11 1/4	11 1/4	+ 1/2
East. Kodak	173	172	173	+ 1 1/2
do pfd.	176	176	176	+ 3
Gen. Th. Eq.	11 1/2	11 1/2	11 1/2	+ 1/8
Loew's, Inc.	44	43 3/4	44	+ 1/2
do pfd.	.....	.....	.....	.....
Paramount	93 1/2	93 1/2	93 1/2	.....
Paramount 1st pfd.	96 1/2	96 1/2	96 1/2	+ 1 1/2
Paramount 2nd pfd.	10 5/8	10 1/2	10 5/8	+ 1/2
Pathe Film	12 1/4	11 3/4	11 3/4	.....
RKO	13 1/4	13 1/4	13 1/4	.....
20th Century-Fox	19 1/8	18 7/8	19 1/8	+ 1/4
20th Century-Fox pfd.	28 1/2	28 1/2	28 1/2	+ 1/2
Univ. Pict. pfd.	.....	.....	.....	.....
Warner Bros.	5	5	5	+ 1/8
do pfd.	.....	.....	.....	.....

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/2	100 1/2	100 1/2	+ 1/8
Loew's deb. 3 1/2s46	103 5/8	103 1/2	103 1/2	+ 1/4
Para. B'way 3s55	50	50	50	- 1/2
Para. Picts. 6s55	.....	.....	.....	.....
Para. Picts. cv. 3 1/4s47	91 1/2	91 1/4	91 1/2	+ 1/2
RKO 6s41	.....	.....	.....	.....
Warner Bros. cv. 6s39	.....	.....	.....	.....
Warner Bros. db. 6s48	90	89 3/4	90	.....

NEW YORK CURB MARKET

Monogram Picts.	15 1/4	15 1/8	15 1/4	.....
Sonotone Corp.	1 1/2	1 3/8	1 3/8	.....
Technicolor	15 3/4	15 3/4	15 3/4	- 1/8
Trans-Lux	.....	.....	.....	.....
Universal Corp. vtc.	.....	.....	.....	.....
Universal Picts.	.....	.....	.....	.....

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	.....	.....
Fox Thea. Office Bldg. 1st '46	33 3/8	43 3/4
Loew's Thea. Realty 6s 1st '47	102	103
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	64	66

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STOCK SHOTS
of Every Possible Description
Conveniently Catalogued
729 SEVENTH AVE. N.Y.C.
BRYANT 9-5600

For a Press Relations Bureau
... and the quicker, the better

(Continued from Page 1)

deems it has been confronted with more pressing problems—the bureau has not materialized.

Yet if the recommendation was in order in mid-November last, it is much more so today, and for that some of those "more pressing problems" are responsible.

THE industry in this year of grace is under scrutiny and attack as never before. The Department of Justice, with anti-trust suits filed in New York, Oklahoma City, Buffalo and Nashville, and criminal contempt proceedings instituted in Chicago, is preparing to follow through with others; the NLRB is prosecuting on the West Coast and the Attorney General may do likewise; the Treasury Department is investigating; the TNEC is reported eyeing films as a possible subject for consideration in the Fall; Congress, reconvening in December, faces a continuation of the Neely bill drive and the likelihood of a further pressure campaign in behalf of a Boren measure for an industry-wide probe; the Department of Commerce presumably is taking a more sympathetic view of films in its own microscopic examination but you never can tell.

That, however, is only part of the picture. Add the intra-industry controversy over trade reforms, the increasing array of litigation instituted by individuals, the innumerable union disputes, the antics of the censors and the baseless assaults upon the honesty and integrity of the industry by some newspaper writers, and you have a pretty good idea why this industry could use such a bureau as Dietz recommended.

THE amazing total of industry misinformation appearing in the daily press these days, is not due to any inherent desire on the part of the press to reflect discredit upon films. It stems largely from industry misunderstanding and ignorance on the part of reporters, news editors, editorial writers, columnists and feature writers. An industry bureau prepared to instantly service the press with background material for spot news, to see that the industry's side is adequately and fairly presented and to promptly call to account those who break into print with destructive and false statements would be highly beneficial to press and films alike.

And, with a weather eye to the future, the quicker it takes shape, the better.

Jersey-Made Indian Film
To Have Release by Major

Production starts Aug. 28 on "The Saga of the Lennilape Indians," a six-reel picture designed for both educational and theatrical use, and which, according to the producers, will have a major company release. Picture is to be made by the Redwing Motion Picture Co., and sets are now being constructed on the Hackensack River in New Jersey.

Governor Moore of New Jersey and several of the leading educators of the state are members of the advisory board. With a cast of real Indians, the picture will attempt to present an authoritative history of the tribe which figured prominently in early American history.

Seek Before Trial Exam.
of Zanuck in "Lincoln" Suit

Application was filed yesterday in the New York Supreme Court, to be heard today, asking for an order directing commission to issue to Charles E. Millikan, attorney, to take the testimony of Darryl F. Zanuck in Los Angeles in an examination before trial in the suit of Robert E. Sherwood and the Playwrights Producing Co. Plaintiffs are asking for the examination in reference to their suit against 20th-Fox which charges the defendant with unfairly capitalizing on Sherwood's play "Abe Lincoln in Illinois" in the advertising of the defendant's picture, "Young Mr. Lincoln."

Defer Clearance Action

Buffalo—Buffalo allied unit delayed action on the clearance report until its September meeting, it is stated by Al Francis, district vice-president.

Britain's Rialto Prod.
Names Bettinson as Rep.

Ralph Bettinson, who represents Pathe Pictures, Ltd., of England at Monogram, has been appointed local representative for Rialto Productions, the British film company. He recently returned from a six-week business trip abroad.

Bettinson's new capacity will in no way interfere with his post as Pathe's representative. Rialto releases through Pathe in the British Isles and Bettinson will have the power to negotiate with writers and engage artists for Rialto.

M. F. Barr, W. H. Gueringer
Recover from Operations

New Orleans—Maurice F. Barr, for years associated with the E. V. Richards-Saenger Amusement Co., and Paramount-Richards Theaters, Inc., is recuperating from a major operation at the St. Charles Hotel here. Barr will remain for the next several weeks with Mrs. Barr.

Also recovering from an operation here is William H. Gueringer, former assistant general manager of the Saenger Amusement Co., and well known throughout the territory.

Ben Washer Will Join
Donahue & Coe Staff

Ben Washer, press representative for Samuel Goldwyn, joins Donahue & Coe., Inc., advertising agency, in the Fall. He will devote most of his time to the legitimate theater advertising activities of the agency and will assume his new duties when he completes his present assignment for Goldwyn on "The Real Glory."

COMING AND GOING

MURRAY SILVERSTONE plans to leave for Coast Friday.

HERMAN WOBBER, distribution chieftain 20th-Fox, is in San Francisco, leaving there Hollywood this week-end. He will return New York around September 5.

JOSEPH BERNHARD, general manager of Warner Theaters, returns to New York from Philadelphia where he presided at the annual meeting of managers in that zone. HARRY GOLDBERG, theater ad. head, accompanied him.

EDWARD KILROE, 20th-Fox attorney, returns from Europe next week on the Clipper.

KEN THOMSON, SAP executive secretary, and EDWARD ARNOLD, SAC vice-president, plan to leave for the Coast tonight.

IRENE RICH flies to Hollywood today via TWA.

WALTER FUTTER, producer, and GEORGE O'NEIL, writer, sail for Europe today on the Normandie.

BEATRICE ROSS, of Republic, has returned New York from a vacation on the Coast.

MARTIN G. SMITH, Ohio circuit operator, and GEORGE J. CORCORAN, manager of the Alton Theater, Monongahela, Pa., were visitors this week at the RKO Lounge.

R. J. O'DONNELL, Paramount partner in Texas, is in New York for a brief visit.

MRS. HARRY CHARNAS sails today on the Normandie for Europe as a delegate to the Hadassah convention at Geneva and the Y. Aliyah convention at Amsterdam.

NAT GOLDSTONE, agent, and MRS. GOLDSTONE, are also European bound on the French liner.

VICTOR PAYNE-JENNINGS returns from the Coast this week.

JUDY GARLAND and MICKEY ROONEY are at the Waldorf.

PHYLLIS BROOKS departed for the Coast yesterday.

RAMON NOVARRO sails for England today on the Normandie.

STANLEY GILKEY arrives here this week from Hollywood.

LESLIE HOWARD, MRS. HOWARD, and the daughter, LESLIE, sail for England today on the Aquitania.

MAX ROTH, Republic's Mid-West district sales manager, accompanied by his wife and daughter, returns to Chicago on Friday, following h.o. conferences on circuit deals.

NAT SALAND, of Mercury Film Lab, returned to New York yesterday from a seven-week visit to Hollywood.

JOE OULAHAN, Paramount exec. in Cincinnati, is vacationing in Washington, D. C.

BERNARD LAYNE, manager of the Mohaw Theater, North Adams, Mass., has left for vacation in the Canal Zone.

HENRY KING, 20th-Fox director, is in New York.

J. H. HOFFBERG has arrived in Hollywood on the first lap of a nation-wide business trip.

GEORGE KRASKA, operator of the Fine Art Theater, Boston, has returned to that city after a product buying trip to New York.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 16

Mae Clarke
Lucien Littlefield
R. G. Katz

a healthy sign!

**"THE
ANGELS WASH
THEIR FACES"**

The "Oomph" girl made WARNERS' little Angels clean up!



with **RONALD REAGAN**
BONITA GRANVILLE • FRANKIE THOMAS • HENRY O'NEILL
EDUARDO CIANNELLI • Directed by RAY ENRIGHT

Screen Play by Michael Fessier, Niven Busch and Robert Buckner
From an Idea by Jonathan Finn • A First National Picture

Watch what a difference a little extra ‘oomph’ will make in your campaign!

**Run
extended!**

Carole *Cary* *Kay*
LOMBARD • GRANT • FRANCIS

"IN NAME ONLY"

with
CHARLES COBURN • HELEN VINSON

KATHARINE ALEXANDER

JONATHAN HALE • MAURICE MOSCOVICH

PANDRO S. BERMAN in charge of production • Directed by **JOHN CROMWELL**
Produced by **GEORGE HAIGHT** • Screen Play by **Richard Sherman**

THIRD WEEK

RADIO CITY MUSIC HALL

What a pace it's setting!... And right in the middle of sweltering August!... SENSATIONAL!... Opening day the biggest in three years for any RKO RADIO picture at the Music Hall!... First week smashingly up in that \$100,000-a-week-class!... Second week further establishing its tremendous draw and amazing BUILDING POWER!... Now ready for the same kind of performance in pre-release runs Coast to Coast!

***That's the kind we mean when we say
BIG ONES from RKO RADIO!***

N. Y. LABOR CONFAB TO BACK EAST. PROD'N

(Continued from Page 1)

picture production it is only fair that production should be increased here to increase employment. He estimates that approximately 50,000 people would benefit directly and indirectly by employment, if such action is brought about.

The Federation is reported to be solidly behind Scoppa's drive to increase production here, and in all probability he will be appointed chairman of a committee to speed up action on the question. In his resolution, he also points out that the film industry was founded here, and that this territory and city are not only the largest market for pictures, but also serve as background for a large number of them.

Earlier this week, at a meeting of the IATSE Locals before the Federation session opened, a pledge of confidence was voted unanimously for George E. Browne, IA prexy, and charges of CIO tendencies were leveled at certain actors. The AAAA was also lashed by IA execs. for their personal attacks on IA leaders.

Nathanson Exercises Option on 6,000 Shares of FPC Stock

Montreal—Famous Players Canadian Corp., Ltd., has advised Montreal Stock Exchange that N. L. Nathanson and his nominees have now exercised their options to the extent of 6,000 shares, reserving the right in each case to exercise their options in respect of the balance, namely, 5,000 shares, at any time between now and Jan. 15, 1940.

The 6,000 shares that were taken up form part of an option on a block of 11,000 shares which had been extended from July 31, 1939, up to and including Jan. 15, 1940.

Frohlich to Press Ascap's Action Against Neb. Law

Ascap's suit, initiated to test the constitutionality of the new Nebraska statute which would ban the society's operations in that state, will be pressed personally by Louis D. Frohlich, Ascap counsel, who, it was learned yesterday, will leave New York shortly before Sept. 18 for Lincoln, where case will be heard before a Federal statutory court, comprising three judges.

WEDDING BELLS

Mexico City — Following their marriage in Yuma, Ariz., on Monday, Janet Gaynor, film actress, and Gilbert Adrian, fashion designer for M-G-M, are scheduled to arrive here today on their honeymoon and remain for several weeks.

Springfield, Mass.—Miss Margaret M. Mahoney, cashier at the Jefferson Theater here, was married to Daniel O'Brien in Sacred Heart Church.

ALONG THE



WITH PHIL M. DALY

● ● ● WITH the Department of Justice launched.....upon a "form letter" anti-trust suit crusade.....against leading theater circuits.....with the avowed objective of making.....little ones out of big ones.....it strikes us that unusual significance.....attaches to the rebuke just handed the FCC.....by the Federal Circuit Court of Appeals.....for the District of Columbia.....in dismissing an appeal brought by the Yankee Network.....from an FCC ruling.....the Court took the Commission to task.....for advocating "uncontrolled competition in radio broadcasting".....said the learned Justice Justin Miller.....in the opinion....."One of the chief concerns of Congress.....was to guard against monopolies.....and to preserve competition.....it is difficult to understand.....how this result could be achieved.....by deliberately or carelessly licensing.....so many new competing stations.....as to destroy already existing ones.....and possibly the newly created ones as well".....and the Court added....."The method of uncontrolled competition.....argued for by the FCC in the present case.....is in fact.....one way of creating monopolies".....maybe we're wrong.....but isn't it something very close.....to uncontrolled competition.....via making little ones out of big ones.....to which the D of J aspires?.....

● ● ● VARIETY Is the Spice of Life Dep't.....Film Audiences for Democracy.....writes Para. Prexy Barney Balaban.....that it considers "Our Leading Citizen".....to be anti-labor.....whereas the Brotherhood of Railroad Trainmen in Arkansas, hails the pix as the....."most convincing presentation of the wrong and right ways.....of dealing with capital and labor problems".....and urges that the international bring it to the attention.....of its entire membership.....

● ● ● AS FAR as this colyum is concerned.....the cartoon of the week.....is Roland Coe's Crosstown.....which appeared in the New York Post.....on Monday eve.....Mister Coe presents.....a tourist's auto.....parked alongside.....Loew's Times Square replica of the Trylon and Perisphere.....while the Backseat Driver remarks....."We were under the impression that the fair was LARGER than this!".....Very, very funny.....

● ● ● OSCAR DOOB.....ad and publicity chief for Loew's Theaters.....has caught the full spirit of "The Wizard of Oz".....On the invitations to the Mickey Rooney-Judy Garland luncheon today.....Oscar signed his name OZcar Doob.....Dern clever, these Loew boys.....

● ● ● ODDS and Ends Dep't. . . ● Leon Leonidoff, Radio City Music Hall producer.....saw 21 shows in 12 days.....in a 30,000-mile plane trip through Europe.....he visited Rome.....where he had a private audience with the Pope.....as well as London, Paris, Holland and Belgium. . . ● If young Mike O'Daniel.....son of Texas' Governor.....elects to try a film career.....we hear he will debut in.....Para's "The Texas Rangers Ride Again". . . ● Yes, sir, RKO Radio is hitting on all cylinders.....witness the fact that its "In Name Only".....is the only pix in the last six months.....to stay three weeks at Radio City Music Hall. . . ● NBC will televise the Dodgers-Cincy Reds double-header.....from Ebbetts Field.....a week from Saturday.....and thus hang up another "first" for tele on this side. . . ● While the President is about it.....why doesn't he set.....Thanksgiving Day.....for a Monday and avoid the k.o.....to business routine.....that results from a mid-week holiday. . . ● Tex Ritter should stick to his hoss.....auto in which Mono's Western star.....was riding turned over Monday.....near Lookout, W. Va.....while Tex escaped with bruises.....Curley Hogg sustained a fractured rib.....

K-A-O, B. F. KEITH SHOW MARKED GAINS

(Continued from Page 1)

their financial statements issued yesterday.

The 26-week net profit for the F. Keith Corp., was \$332,887.09, an increase of \$68,349 over the corresponding period of 1938. F. Keith Corp.'s 26-week net was \$25,909.13, compared with \$388,194.4 for the first 26 weeks of last year. The latter company's net represented \$8.18 per share on the 64,304 shares of seven per cent cumulative convertible preferred stock, compared with \$6.04 in 1938.

For the 52 weeks ended July 1 B. F. Keith Corp. showed a net profit, after all charges, of \$830,360.13, partly estimated and subject to audit and adjustment at the end of the calendar year.

The 52-week net of K-A-O was \$1,134,710.62 after all charges. This is equal to \$17.65 per share. This figure also is in part estimated and subject to audit.

Famous Players Canadian May Increase Dividends

Toronto—Increased dividends by Famous Players Canadian are regarded here as likely. It is pointed out that apart from the possibilities of further growth, the company has worked into a position where it should benefit from careful financial management in the past. Between the years 1932 and 1938 the company's funded debt and mortgages were reduced over 30 per cent with interest payments more than cut in half, while minority interests were reduced 25 per cent, and net working capital improved by \$400,000. Last year's earnings of \$2.32 were about 2 1-3 times the present annual dividend rate of \$1 a share.

52-M of T In Agreement

Contract between Local 52, studio mechanics, and the March of Time has been agreed on in all points, it was stated yesterday by a union executive. Pact will be drawn up and inked in the near future.

Robert Schenck Killed

Chicago—Robert Schenck, son of the amusement advertising director of Hearst's American, was killed in a South Dakota auto accident.

"Mes Regrets"

Washington Bur., THE FILM DAILY

Washington—Count De Saint-Quentin, French Ambassador to the United States, apologized today to Acting Secretary of State Sumner Welles for use of the diplomatic pouch to bring French films into this country without paying the duty.

The French envoy expressed his regret and gave assurances that there would be no recurrence of such incidents. Welles said acceptance of the assurances closed the diplomatic incident precipitated by a New York Grand Jury investigation.

Both AAAA, AFA Claim A F of L Decision as Victory

4 A's Board Will Meet Here Today to Consider Course of Action

(Continued from Page 1)

days and (6) authorized a committee of 10 to conduct AFA affairs in the interim.

Green Predicts Acceptance

William Green, A F of L prexy, stated the recommendations and orders were based upon a series of conferences held here between representatives of the various groups. He stated, "I assume all concerned will accept them." Green quoted George

President Roosevelt, in a letter read at the State Federation of Labor convention here yesterday, pointedly said, "If leaders of organized labor can make and keep the peace between various opinions and factions, it will vastly increase the prestige of labor with the country and prevent the reaction which otherwise is bound to injure the workers themselves."

E. Browne, IATSE prexy, as saying he would abide by the decision.

When asked what action would be taken if the 4 A's did not accept Green replied, "We have means of dealing with such a situation." He added in reply to a question that Ralph Whitehead, executive secretary of the AFA, would be given no special privileges in the new setup and that he would have to take his chances at re-election. Whitehead retains his title, but has no say until the new elections are held. These are ordered within 90 days.

Kenneth Thomson, AAAA and SAG exec., speaking for the 4 A's said: "The decision of the Executive Council represents a victory for the 4 A's. The three points awarded to us in the decision are:

"1. The IATSE is instructed to withdraw the charter issued to the AFA.

"2. The jurisdiction of the 4 A's over performers in the field of entertainment and amusement is recognized and the IATSE has no jurisdiction over such field.

"3. The legal right of the 4 A's to expel the AFA was recognized. This upholds our action in expelling the AFA.

May Accept or Reject... Thomson

"As far as the recommendations of the council are concerned they are not binding upon us in any way. We may reject them or accept them as we see fit. Upon our return, we will

AFA Execs. See Decision as a Victory; Won't Accept Whitehead, Says Thomson

Atlantic City—Reactions of key figures in the AAAA-IATSE controversy to the A F of L Executive Council solution follow:

Sophie Tucker, AFA prexy: "We are all delighted; it is a clear cut victory for us." Ralph Whitehead, AFA executive secretary: "The decision was a perfect vindication. We will all go in for re-election and there is little doubt that the same officers will be in existence after elections."

Kenneth Thomson, AAAA-SAG exec: "We will not under any circumstances see Whitehead back as an officer. We do not agree to his reinstatement, even without power."

submit the recommendations of the Council to the International Board of the 4 A's and will make our decision known to the A F of L Council in due course.

"Until we have had an opportunity to study the recommendations we cannot say whether we, of the 4 A's committee, will recommend the recommendations to the International Board. Pending the 4 A's decision upon the recommendations of the American Federation of Labor's Executive Council the organization of the American Guild of Variety Artists will continue as before, strengthened, of course, by the decision of the A F of L, Executive Council as to jurisdiction over all performers in the entertainment and amusement world."

The 4A's Executive Board will meet in New York today, it was announced.

The A F of L decision and recommendations were as follows:

"1—The AAAA is an affiliated international union, chartered by the A F of L and as such is entitled to enjoy all the rights and privileges accorded any other national and international union.

"2—The jurisdiction of the AAAA as heretofore defined by convention action and decisions of the Executive Council is reaffirmed, that is, that this organization has jurisdiction over all performers in the amusement and entertainment world.

Penalty Held Unduly Severe

"3—Without passing judgment upon charges or counter charges involved and trial had, and while the revocation of the charter of the AFA was within the authority of the AAAA, in our judgment this penalty was unduly severe in that it penalized thousands of members of the actors' profession for an alleged offense we believe might have been adjusted without inflicting harm on any officer or member.

"It is our further belief that any union structure that requires actors and artists to pay initiation fees and dues to several branches of the associated actors and artists in order that members of this profession may be privileged to earn their livelihood in any or all of the several fields of entertainment and amusement, does not tend toward unity in organization, much less to the security of the individual actor, because punishment by one branch forecloses engagement in any other branch and without course of redress. It is the urgent recommendation that the

AAAA give early and thoughtful consideration to amending the present arrangement and structure and relationship if further difficulties such as have developed in this instance are to be avoided.

Green Lists Assurances

"4—In the interest of unity, harmony and co-operation we call upon the AAAA to reinstate the AFA, all its officers and members and withdraw the charter issued to the AGVA, thus re-establishing the status quo and under the following conditions and assurances:

"A—That there be held nominations and elections of all officers and for all elective offices of the AFA within the period of 90 days, present officers to continue in the interim.

"B—All members of the AFA and of AGVA are to be eligible for nomination and election and to participate in the voting.

"C—Pending nominations and elections, affairs of AFA are to be conducted under the guidance and supervision of a committee of 10, made up as follows: Associated Actors and Artists—1. Equity—1. Chorus Equity—1. Radio Artists—1. Screen Actors—1. American Federation of Actors—2. American Federation of Labor—3.

Committee to Guide Elections

"D—This committee of 10 is also to be authorized and empowered to fix the rules, regulations and conditions for the conduct of nominations and elections of officers and offices herein provided including the determining of all questions of eligibility of members to vote.

"5—We call upon the AFA immediately to withdraw all litigation now pending and likewise immediately to withdraw from the IATSE.

"6—In view of the following, the IATSE is hereby instructed to withdraw the charter issued to the AFA.

"7—We call upon all parties concerned and their interests to carry out these conclusions and decisions are presented, that is to the end that unity, that harmony and co-operation may be re-established."

Max Fox Dead in Dallas

Dallas—Max Fox, pioneer Dallas theater man, former owner of the Fox and Strand, is dead. Surviving are a son, Dr. A. Albert Fox of Dallas; a brother Dave Fox of Dallas; Mrs. Sara Glasman of New York, a daughter; two brothers in Poland, a sister in Poland and two sisters in France.

UMPTO TO TAKE STEPS TO MEET RENTAL ISSUE

Philadelphia—UMPTO proposes to take "constructive steps" to meet the situation presented by a universal demand for higher rentals on 1939-40 product in this territory, it is announced following a meeting of the Board of Managers. Just what those "steps" will be, however, was not disclosed.

Rennselaer Mayor Vetoes Measure for Sunday Pix

Albany—A strong blast at "commercializing the Sabbath day" marked executive veto of the City of Rensselaer's brand new Sunday film ordinance which was designed to permit exhibition after 2 p.m. in the day.

Mayor William T. Wright penned his disapproval and sent the bill back to the Common Council, which had earlier approved it after a public hearing found but one complaint against adoption.

Advocates of Sunday films will seek to override the Mayor's veto.

Moss Amusement Center Includes Film Theater

Pittsburgh—A new 1,000-seat theater is to be built in Brentwood, a suburb of this city, by John P. Moss, who also operates the Melrose Theater in Carrick. In addition to the theater, this project is to include bowling alleys, lodge rooms and a parking station, and will be called the Whitehall Amusement Center. Victor A. Rigaumont, theater designer, is the architect and construction is to begin immediately.

Einfeld Due Next Week

S. Charles Einfeld, Warner advertising and publicity director, arrives here next Monday from the Coast to launch advertising and exploitation campaigns on "The Private Lives Of Elizabeth And Essex," "Dust Be My Destiny," "On Your Toes" and several pictures. Einfeld plans to stay here two weeks.

Eagles' Helping Hand

Chicago—Advent of 30,000 for Eagles convention has definitely aided Loop box-offices.

No, Thanks! ! !

Oklahoma City—One thing is now certain—neither Stanley Draper, sec.-mgr. of the Oklahoma City Chamber of Commerce, nor Dr. J. M. Ashton, research director of the State Chamber of Commerce, wants 20th Century-Fox to make "Grapes of Wrath" in the "dust bowl." Statements were issued after announcement was made Darryl F. Zanuck would send a company to Oklahoma to film scenes in "Oklahoma's dust bowl" for the film based on John Steinbeck's book.

'Oomph' vs. 'Oomph'

Albany—It's "oomph" vs. "oomph" here this week as two Warner houses, Strand and the Ritz, play Ann Sheridan vehicles. "Angels Wash Their Faces" is at the Strand, "Winter Carnival" at the Ritz.

Andy Roy (Strand) and Bob Rosenthal (Ritz) are aligning the advertising campaigns to get a cross-fire reaction at both houses.

Last night stunt was worked was in the late Jean Harlow's hey-day and resulted in exceptional grosses.

COAST PROBE INFO. TO JURY NEXT MONTH

(Continued from Page 1)

bor racketeering and charges that \$100,000 was paid to William Bioff, former IATSE representative on the Coast, by a major producer, Carr will question attorneys for labor unions in studio business, agents of unions and studio officials.

Carr has already questioned Herbert Sorrell, business representative of the Motion Picture Painters, Local 644, regarding methods of negotiating wage scale and about the activities of the IA representatives in the 1937 strike.

Carr, who arrived here Monday, lost no time in swinging into action. He established headquarters yesterday and, it is understood, dispatched his first "invitations" immediately. Heads of major studios, business agents of studio labor unions and scores of others are reported on the bid list.

While Carr is prepared to proceed slowly and carefully, it is understood that he plans to present

Washington Bur., THE FILM DAILY
Washington — Next "form letter"
anti-trust suit to be brought against
film biz will probably be filed in Florida,
it was reported here last night.

his evidence then available to a Federal Grand Jury which will be impaneled here in mid-September. Attorney General Frank Murphy has indicated he wants quick action.

Racketeering Charges First

Just which of the three cases, so-called, will have Carr's first attention is not definitely known, but it is reliably reported that right of way will go to the charges of labor racketeering in the IATSE.

Additionally, Carr will concern himself with the reorganization of Fox Film into 20th Century-Fox and alleged income tax irregularities. It is significant that Carr is not delegated to take over the Fox West Coast investigation, in progress for about two years.

Carr's letter of appointment, filed here, in part says

"You are hereby appointed a special assistant to the Attorney General under the authority of the Department of Justice, to assist in the trial of the case growing out of the proceedings hereinafter mentioned, in which the government is interested, and in that connection you are directed to conduct in the Southern District of California, and in any other judicial district where the jurisdiction thereof lies, any kind of legal proceedings and proceedings before committing magistrates which district attorneys are authorized by law to conduct."

On Carr's Bid Test

Representatives of companies and individuals whom Carr will interrogate include officers of the

A Rose, etc.

Detroit — And then there's the one about the local exhib. who walked into the Metro Exchange and demanded "that Mickey Rooney picture, 'The Artist's Right Eye'." He left with "The Hardys Ride High."

Estimate \$8,095,000 "Take" in Okla. for Fiscal Year

(Continued from Page 1)

the sales tax collections from theaters reveal.

Based on receipts of the two per cent collected, it is estimated that during March, Oklahoma patrons paid some \$750,000 to the box offices of state theaters as \$14,489.92 tax was reported.

Total for the fiscal year ending June 30 showed \$161,881.59 sales tax collected by theaters which represents approximately \$8,095,000 in box office receipts. An average of 202 theaters reported returns each of the 12 months of the fiscal year.

Figures for the 12 month period show estimated box office receipts as reflected by tax collections, as follows: For 1938—July, \$610,000; August, \$675,000; September, \$690,000; October, \$675,000; November, \$680,000; December, \$727,500. For 1939—January, \$687,356; February, \$681,181; March, \$724,486; April, \$634,721; May, \$614,625, and June, \$687,111.

JLS Threatens Court Action Over Product for Oriental

(Continued from Page 1)

Schaefer circuit, unless the distributors themselves "correct" the Loop release situation for the new season. He declares he will go to the Federal Court for relief if necessary.

Jones further said that double features are here to stay, but added that he is against premiums, believing that the province of the theater is to sell entertainment.

He predicts good business for the coming months unless the European situation leads to war.

Loew's Calling 1947 Realty Bonds at 102 on Sept. 15

(Continued from Page 1)

15. The bonds, which were due on July 31, 1947, are being called at the redemption price of 102 p.c. of the principal amount, together with interest accrued to Sept. 15.

IATSE; Local 37; George Browne, IATSE prexy; William Bioff, former Browne personal representative here; MPPDA; Association of Motion Picture Producers; Loew's, Inc.; RKO, Warner Brothers, Twentieth Century-Fox and United Artists.

Others with whom he is scheduled to have conferences are Joseph M. Schenck, Joseph Moskowitz, Arthur Stebbins, William Goetz, Darryl F. Zanuck, William B. Dover and Harry Kadis, latter a former Internal Revenue agent.

HEARINGS NEXT WEEK ON RKO STOCK PRICE

(Continued from Page 1)

the proposed underwriting agreement of Atlas Corp. was filed in the U. S. District Court yesterday. Under the order the Special Master is also directed to determine the "relationship if any of the compensation of an underwriter to the price per share at which the stock is underwritten."

Hearings may be held after two days' notice to parties interested. The SEC was directed, and has filed, a notice of appearance in the proceedings and will file an advisory opinion, Judge Bondy's order stated. It was learned yesterday that in all likelihood no hearings will be held this week, but will start next Monday or Tuesday.

Judge Bondy yesterday approved of an allowance of \$7,000 to Alger as an ad interim allowance for hearings held by him, which commenced on July 18, 1938, on modifications to the plan of reorganization. Previous allowances to Alger totaled \$27,500.

Judge Bondy also approved of the reduction of claims of six creditors of RKO from \$2,241,463 to \$411,685.

Industry Escapes Adverse Legislation in Bay State

(Continued from Page 1)

fore the first biennial session prologued. A proposed sales tax, one that would include theater admission threatened throughout the nearly eight months.

A group of labor bills, several of which were protested by the industry, has been given a recess commission for study. A bill for a 9:30 curfew was tossed. Laughed out was another bill by Rep. Francis X. Coyne, the much publicized true name act, which would make stage names illegal.

A move to invalidate daylight saving was put over to the next session. Failing to pass also was a measure that sought "nothing in the laws respecting gambling, lotteries or games of chance shall be held to render illegal Bank Night." Two drastic bills seeking imposition of film and vaudeville censorship were given the hook.

Also nixed was a bill that projectors be "equipped or fitted with a safety control device that will automatically interpose an opaque heat resisting shutter or guard between projection light and film" upon breakage or stoppage. A bill pertaining to libel of human races, one dangerous to films, also did not pass. Proposed to legalize state lotteries failed to get far.

Jitterbug Case Deferred

Chicago—So-called Sam Herman jitterbug case was put over to Sept. 15 yesterday. Meanwhile, contests are out of B & K theaters, with

EXPECT EARLY EQUITY SUIT TRIAL ORDER

(Continued from Page 1)

Midway Corp., former operators of the reorganization of the Beacon and the Beacon Theater, severely criticized the situation in the motion picture industry and stated that it warranted an early trial of the government's action, reliable source revealed yesterday.

Judge Knox's remarks were made when the Beacon Theater Corp. offered to rent the Beacon Theater for four years at a \$40,000 yearly rental, with a guarantee of payment by subsidiaries of Loew's, RKO and Skouras. The Judge stated that for a long period of time he has attempted to lease the theater to an independent exhibitor and has been unable to do so. It is understood that he directed the trustees of Beacon and Midway Corp. to make one more attempt to lease the theater to an independent and to report back on Monday.

On that day, Judge Knox, upon learning that no independent lessor could be obtained, approved the lease offered by the Beacon Theater Corp. It was in reference to this situation that Judge Knox stated at the hearing for a preference in the Government suit that he was unable to obtain pictures for "love or money."

It was learned that Judge Knox is attempting at present to fill vacancies on the bench and that one of his objectives is to assign a new judge to hear the Government suit, if possible, in the early Fall. However, since the Judge will go on his vacation on Friday for two or three weeks, no decision is expected on the preference motion till his return.

Ushers' Strike Extended as Peace Parleys Start

(Continued from Page 1)

when a group of ushers at the Broadway in Chelsea walked out. Spokesmen for both sides got together yesterday afternoon in their initial meeting but did little more than lay the basis for continued negotiations. A second meeting has been arranged for this morning. No official move has been made yet to draw associated IATSE unions into walkout.

Sears, Bernhard, Goldberg Speak at S-W Philly Meet

Philadelphia—Stressing service as the keynote of Warner Theater operation Joseph Bernhard yesterday gave the principal address at a meeting of the executives and managers of Warner's Philadelphia zone. Details of the Warner line-up for the new season were presented by Gradwell L. Sears.

Meeting was also addressed by Ted Schlanger, local number one Warnerman, Lester Krieger and Harry Goldberg. Time was taken out to attend the Aldine, where "The Old Maid" was screened to an ovation by the 143 conferees.

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 33

NEW YORK, THURSDAY, AUGUST 17, 1939

TEN CENTS

Kentucky Indies Organize to Fight for Lower Rentals FOUR UNIONS ASK PARLEY ON BASIC PACT RENEWAL 4A's Refuses Full Acceptance of the A F of L Decision

On "Selling" ... pix and industry

By CHESTER B. BAHN

THIS industry, someone once observed, has two "selling" jobs. One is the "selling" of specific pictures, the other the equally important task of "selling" the industry. The latter follows no set pattern, and indeed is apt to be given the once over lightly if remembered at all, due to the insatiable demands of the former.

Occasionally—and this column wishes it were more frequently—the paths of the two cross, or perhaps it would not be going too far to say that they coincide. When that happens, it's something to talk about . . . and hence these paragraphs.

As a publicity promotion for the p.a.'s of Judy Garland and Mickey Rooney at the New York Capitol in conjunction with the metropolitan premiere of "The Wizard of Oz," Loew's Theaters and Metro staged a luncheon for 150 high school boys and girls at the Waldorf-Astoria yesterday, with the two stars hosting.

IT WAS a cross-section of Young America as brewed in the melting pot, the assemblage, and with Judy and Mickey "mixing it" as only the teen age can do, there was as fine an example of democracy at work as one could wish. And when the party was over, 150 kids from the four corners of Little Old New York took back to Harlem, to Mott Street and to the other neighborhoods an appreciation of "the movies" generally, the value of which to this industry cannot be calculated in dollars and cents.

Loew's Theaters and Metro did more than "sell" two stars and a picture yesterday; they "sold" the industry.

AND much the same thing can be said for Paramount's promotional stunt in behalf of "The Star Maker" which will take the "most deserving orphans" in 18 leading U. S. cities on a transcontinental trip to Hollywood as guests of Linda Ware and other players.

Here again the intangible must outweigh
(Continued on Page 2)

Actors Sending Committee to Atlantic City Today for Further Talks

Flatly rejecting the proposal of the A F of L Executive Council that they must accept the decision in the intra-union dispute between the AAAA and IATSE-AFA in full, the 4A's last night following a six-hour session of the international board, sent a wire to A F of L
(Continued on Page 6)

ODEON TAKES OVER 14 PARA. THEATERS

London (By Cable)—In a not unexpected, but nevertheless spectacular deal, closing of which was admitted yesterday, all of Paramount's theaters in England and Scotland, with the single exception of the local Plaza Theater on Regent
(Continued on Page 3)

Plan Bomb-proof Basement for New Metro London Bldg.

London (By Cable)—Plans have been completed for a new home for M-G-M pictures here. Eight-story building will be erected on an important site fronting Shaftesbury Ave. and facing three streets. De-
(Continued on Page 2)

Uniform and Lower Rentals Will Be Sought by New Kentucky Exhib. Unit

Butterfield Circuit Signs For Republic's New Lineup

Arriving in New York yesterday from Detroit, James R. Grainger, Republic's president and general manager in charge of distribution, disclosed that a deal has been con-
(Continued on Page 3)

Titular Event

It was something of a titular event, that Judy Garland-Mickey Rooney luncheon tossed at the Waldorf yesterday by Metro and Loew's Theaters. Howard Dietz conferred "czar of all the rushes" upon Louis B. Mayer and "Jack of all trades and master of ceremonies" on Jack Haley.

SEES SHOWMANSHIP HURT BY LITIGATION

Exhibitors in this country are worrying too much about litigation and legislation at the expense of showmanship in the opinion of W. Ray Johnston, president of Monogram, who, in recent months, has had the opportunity to observe conditions both in Europe and the U. S. Johnston, who recently returned from abroad, said yesterday that despite war hysteria, British exhibitors are going after business in a big way,
(Continued on Page 2)

New Metro-Warner Product Deal May be Signed Today

New Metro product deal with Warner Brothers Theaters may be signed today, it was learned yesterday. Only a few minor details remain to be ironed out, it was said. Metro's new product deal with
(Continued on Page 3)

Majors Requested to Confer At Meeting Here Next Week

Petitions have been sent to all majors asking that a meeting be held the latter part of next week in New York with the Teamsters, Electrical Workers, Musicians and Carpenters' unions to discuss a renewal of the studio basic pact, it was learned yesterday.

Huddle will in all probability be held in the office of Pat Casey—producers' labor representative, who will come in from the Coast if the meeting is set. What demands will be made by the unions in the pact could not be learned, but it is be-
(Continued on Page 3)

RELEASE OF REVISED CODE AGAIN DELAYED

Delay in finalizing the Trade Practice Code and Rules of Arbitration is attributable to the illness of one of the major company counsel, it was learned yesterday.

In all probability, it will be early next week before the revised draft
(Continued on Page 6)

Javal Sails For England To Confer on Tele Deals

With several deals in the process of negotiation for the installation of Baird Television theater sets in local houses, Ian C. Javal, commercial director of the company, sailed for
(Continued on Page 6)

TMAT's Executive Board Declares the ITOA Unfair

At a meeting of the Executive Board of the Motion Picture Division of the TMAT union late Tuesday night, the ITOA was declared unfair, and the union immediately
(Continued on Page 6)

THE FILM DAILY

ALL THE NEWS
ALL THE TIME

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	12 1/2	12 1/2	12 1/2	— 1/4
Col. Picts. vtc. (2 1/2%)				
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	10 3/4	10 1/8	10 1/8	— 1 1/8
East. Kodak	171 1/2	171 1/4	171 1/4	— 1 3/4
do pfd.	176 1/2	176 1/2	176 1/2	+ 1/2
Gen. Th. Eq.				
Loew's, Inc.	43	42 1/2	42 1/2	— 1 1/2
do pfd.				
Paramount	9 3/8	8 3/4	9	— 3/8
Paramount 1st pfd.	95 3/4	95 3/4	95 3/4	— 3/4
Paramount 2nd pfd.	10 3/8	10 1/4	10 1/4	— 3/8
Pathe Film	11 3/4	11 1/4	11 1/2	— 3/8
RKO	1 3/4	1 3/4	1 3/4	
20th Century-Fox	19	18 5/8	18 3/4	— 3/8
20th Century-Fox pfd.				
Univ. Pict. pfd.	63 1/2	63 1/2	63 1/2	— 1 1/2
Warner Bros.	5	4 3/4	4 3/4	— 1/8
do pfd.	54	52 3/4	54	+ 1 3/4

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/4	100 1/4	100 1/4	— 1/4
Loew's deb. 3 1/2s46				
Para. B'way 3s55	51 1/2	51 1/2	51 1/2	
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	91 1/4	91 1/4	91 1/4	— 1/4
RKO 6s41	72 3/4	72 1/2	72 1/2	— 1 1/2
Warner Bros. cv. 6s39				
Warner Bros. dbs. 6s48	89 3/4	89 3/4	89 3/4	— 1/4

NEW YORK CURB MARKET

Monogram Picts.	1 1/2	1 1/2	1 1/2	— 1/8
Sonotone Corp.	1 3/8	1 3/8	1 3/8	
Technicolor				
Trans-Lux				
Universal Corp. vtc.	3 3/4	3 3/4	3 3/4	— 1/8
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	4 3/4
Loew's Thea. Realty 6s 1st '47	102	103
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxy Thea. Bldg. 4s 1st '57	63 1/4	65 1/4

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SECURITY

On "Selling" ... pix and industry

(Continued from Page 1)

the tangible, as manifested by the heavy publicity play the stunt (and, incidentally, of course, "The Star Maker") is receiving in the press in the 18 and other cities. And it is the whole industry, not Paramount alone, to which the benefits accrue.

Johnston Says Litigation Is Stifling Showmanship

(Continued from Page 1)

not letting anything interfere with the application of showmanship, with the result that Monogram, as well as other companies, is enjoying top grosses in Great Britain.

In his first formal interview since returning from England, Johnston said he believed too many exhibitors were sitting back and waiting for a Messiah to bring them relief, whereas, in his opinion, they could be Messiahs, themselves, by applying the adage that "God helps those who help themselves."

"A good hypo," he said, "would be a few more 24-sheets, bigger newspaper ads and greater effort in selling the vehicles which the exhibitors have to offer. From all reports, business is not as good as it could be and, if you don't mind the personal plug, despite this condition, it is not going to deter me or Monogram from expending bigger budgets on our forthcoming pictures."

Johnston said he believed that no time in the history of the business has there been a better opportunity for those who have the industry at heart to give everything they have to bring back show business with intelligent showmanship.

Johnston expects to leave for the Coast shortly after the semi-annual meeting of the board which is scheduled for Aug. 28.

Fly Metro Short Subject From Coast to Australia

Marking the fastest film shipment on record for so great a distance, and the first time a print has been shipped entirely by air from Los Angeles to Australia, the first print of "From the Ends of the Earth, A New Romance in Celluloid," M-G-M institutional short subject, is scheduled to arrive in Sydney on Aug. 24, 13 days after leaving the Culver City studios, to have its preview at the M-G-M Australian convention. The print arrived in New York via TWA, proceeded to London on the Yankee Clipper and is now en route by way of the Royal Dutch Air Lines to Sydney. Appropriately enough, the flight dramatically justifies the title "From the Ends of the Earth."

Retsama Signs Claire Windsor

West Coast Bureau of THE FILM DAILY

Hollywood — Claire Windsor has been signed by Retsama Film Prods. to play an important role in "The Trail Blazers," which will be made in Cinechrome.

Plan Bomb-proof Basement for New Metro London Bldg.

(Continued from Page 1)

molition of the present buildings there will start immediately.

The new building is scheduled for occupancy in June, 1940. Entirely devoted to M-G-M, the building will cover 50,000 square feet of floor space, and will have three elevators. Six repair, inspection and cleaning rooms, will be provided for the special care of film. Part of the basement will be specially designed to form a bomb-proof shelter.

There will be two preview theaters, one seating 100 persons and the other 400, the latter to be used for all M-G-M trade shows. These, together with other parts of the building, will be air-conditioned.

The building, which will be carried out in Portland stone facing, is to be erected by Messrs. Harry Neal, Ltd., in accordance with plans prepared by Arthur S. Ash, F.R.I. B.A., well-known architect. Agents for the site were Messrs. Henry Joel, Ltd.

Duvivier in Exclusive Pact with Transcontinental Films

Paris (By Cable)—Julien Duvivier has been made technical and artistic director general of the Societe Transcontinental Films S. A., which, through its agreement with Columbia Pictures of the U. S. A., assures distribution of product throughout the English-speaking countries.

Duvivier, it is reported, will personally direct two productions a year for Transcontinental, and will not direct for any other company after completing his present assignment, "Casque d'Or," for Regina.

Relief Fund to Benefit

West Coast Bureau of THE FILM DAILY

Hollywood—Motion Picture Relief Fund will get the gross proceeds of the swank \$11 premiere for 20th-Fox's "Hollywood Cavalcade" at the Four Star Theater next month. Company is standing all overhead.

Horrorific Twin to Debut

Double American premiere of the horrorific twin bill, "The Return Of The Frog" and "The Demon Barber Of Fleet Street," has been set by Select Attractions, Inc., distributors, for Aug. 26 at theaters in Worcester, Mass., and San Francisco.

Botanical Pix to Open

Beginning tomorrow, the Rockefeller Center News Reel Theater will include on its program, Stan Barnett's pictorial tour of the New York Botanical Gardens "Waltz of the Flowers," filmed in Kodachrome.

CFI to Pay 25c Dividend

Board of Directors of Consolidated Film Industries, Inc., has declared a dividend of 25 cents per share on the preferred stock, payable Oct. 2, to stockholders of record Sept. 11.

COMING AND GOING

LOUIS B. MAYER is scheduled to return to the Coast this week from Saratoga, probably stopping in New York for at least a day en route.

SIDNEY R. KENT leaves New York today for a vacation in the Thousand Islands.

IAN C. JAVAL, commercial director of Baird Television, sailed for England yesterday on the Normandie, returning here within six weeks.

ROBERT KANE, English production head for 20th-Fox, is expected to arrive in this country next week.

NAT STEINBERG, Republic's St. Louis franchise holder, and BOB WITHERS, franchise holder for the company in Kansas City, are in New York to confer on circuit deals with the home office.

JAMES R. GRAINGER arrives back in New York today from Detroit.

KEN THOMSON and EDWARD ARNOLD plan to leave for the Coast tonight, having delayed their departure by a day.

H. M. RICHEY goes to Detroit tomorrow.

DOROTHY PARKER and ALAN CAMPBELL arrive from Europe today on the Champlain.

JOHN GARFIELD arrives in New York in the near future for a vacation.

LUCILLE WATSON has returned to New York after several months on the Coast.

PAUL LUKAS and his wife arrive from Europe today on the Manhattan.

LEW IRWIN, arrives in New York Monday from the Coast.

Eight New Oklahoma Theaters Near Opening

Oklahoma City—Month of August finds new theater activity and remodeled openings booming with Louis Groves getting his new 600-seat Villa theater here ready for opening by Sept. 1.

Other August openings include Lewis Barton's remodeled Ritz theater at Stroud; Glen Thompson's new Thompson, 464 seats, at Tishomingo, to replace the burned Princess theater; a new theater now nearing completion by Thompson at Colbert, and Griffiths' new State theater at Sapulpa.

G. M. Deen is also set to open a new negro house, the Pittman at Wewoka. Set to open are also new houses by Walter Martin at Jay, and the New Theater by Norma Rylander at Langley.

Mrs. Wm. Murray Dead

Detroit — Mrs. William Murray, wife of the manager of the Savoy Theater, Grand Rapids, is dead. Her husband and two children survive.

ANNOUNCING

THE OPENING OF OUR
NEW YORK EXCHANGE

723 Seventh Avenue
BRyant 9-8395

SACK

Amusement Enterprises, Inc.

EXCLUSIVE NATIONAL
DISTRIBUTORS FOR

Million Dollar Productions

ODEON TAKES OVER 14 PARA. THEATERS

(Continued from Page 1)

Street, will be taken over on Sept. 4 by the powerful Odeon Theaters, Inc., operating under Oscar Deutsch, chairman and managing director.

Involved in the deal are 14 houses, 12 of which are located in England, one in Cardiff, Wales, and one in Glasgow, Scotland, thus raising the Odeon holdings from 207 to 221 theaters.

Pact took shape rapidly as result of conferences held between Deutsch, acting for Odeon, and Stanton Griffiths, Paramount's executive committee chairman who recently arrived here.

Following are the Paramount stands agreed upon for acquisition by Odeon: Paramount and Futurist, Birmingham; Carlton, Brixton-Astoria, Streatham-Astoria, Finsbury Park-Astoria, Old Kent Road-Astoria, and the Paramount on Tottenham Road, all in London; Paramount, Manchester; Paramount, Newcastle; Paramount, Leeds; Paramount, Liverpool; Capitol, Cardiff; and Paramount, Glasgow.

Retaining by Paramount of the Plaza here is said to have been dictated by company's desire to preserve one house as a London "showcase." Observers believe that the factor of sentiment entered into the keeping of the Plaza, since this was Paramount's first theater in the U. K.

Butterfield Circuit Signs For Republic's New Lineup

(Continued from Page 1)

cluded by him, in concert with Sam Sepulowin, company's branch manager in Detroit, by terms of which the 108 houses of the Butterfield Circuit play Republic's 1939-40 lineup.

E. C. Beatty, Butterfield prexy, and J. O. Brooks, circuit's chief film buyer, handled the deal for the theaters.

Grainger leaves the home office today for Boston.



Best wishes from THE FILM DAILY
to the following on their birthdays:

AUGUST 17

John Hay Whitney
W. S. MacDonald
Charles Judels
Winnie Lightner
Mary Price
John McCormick

ALONG THE



WITH PHIL M. DALY

Being an Open Letter to Cary Grant.

• • • Dear Cary:

• • • THAT was truly a wonderful and most sincere gesture on your part the other night. . . . We refer to that little incident in the French Pavilion at the World's Fair. . . . It probably did not mean a thing to you but to us it meant loads. . . . For it showed what a truly swell guy you are off the screen as well as on. . . . It displayed a bit of sweetness that is only too seldom manifested in the day's rush. . . .

• • • YOU don't know what we are talking about, Cary? . . . Well, we'll tell you and the whole world at the same time. . . . Remember a little table along side of yours? . . . (No, you did not know who we were, but we knew you. . . . We knew Miss Phyllis Brooks, too) . . . There was another young lady and a gentleman who joined your party at brandy time. . . . In an effort to let the gentleman in we tipped our table and spilled a glass of water. . . . It ran across the top of our table and cascaded into his shoe. . . . We were sorry and said so. . . . Then the photographers insisted you pose for a picture. . . . That was the tip off. . . . One after another, in endless stream, the autograph seekers came to your table. . . . Every time you became engaged in serious conversation still more would appear with those little books or menus. . . .

• • • YOU were patient and most gracious about it all. . . . Then along came that little girl of about fifteen. . . . In a black dress, with straight blond hair that hung to her shoulders. . . . She stood between our tables, hesitated a moment and then, literally shaking from head to foot, mustered courage to ask for your autograph. . . . She could hardly speak she was so nervous. . . . One of your party half-whispered: "Oh, this is too much," and on this occasion, you signed your name without looking up. . . . That 15-year-old nearly passed out when you handed back the paper to her. . . . She was fright personified. . . . We all noted it and commented. . . .

• • • SUDDENLY, you feared possibly you had, in some unknown way, hurt that child's feelings. . . . You asked who she was. . . . Where she had gone. . . . And where she was seated. . . . We pointed her out to you. . . . You asked if we thought you had offended her and we told you honestly we did not think so. . . . But with all the chivalry in the world you excused yourself from your party and made your way up steps, thru waiters and diners to the table at which that little girl was seated. . . . Just to tell her you were sorry if you had grieved her in any way. . . . Our eyes grew moist and, for a moment, we didn't feel like talking. . . . You remained to chat a few minutes with her and her party. . . . Then matter-of-factly returned to your table and casually resumed your conversation as if you had done nothing really important. . . .

• • • BUT, Cary, it WAS important, it WAS MIGHTY IMPORTANT, For it did three things. . . . It evoked a remark from one of your party about how tender-hearted you were. . . . It made us feel that this world is, after all, a pretty good place in which to live. . . . and that there are some swell fellows who come from Hollywood. . . . And, better still, it must have made two people happy. . . . Your kind self for what you had done and a little blond-haired child who will never forget that truly chivalrous star of the movies, Cary Grant. . . . And so, once again, let us say it was truly swell of you. . . . We wish more newspaper men could have been present to observe a real actor when he wasn't acting.

Sincerely yours,
PHIL M. DALY.

4 UNIONS ASK BASIC PACT RENEWAL PARLEY

(Continued from Page 1)

lieved that they will ask for wage increases which will be countered by the producers with a request for decreases in a similar amount.

Meeting last year resulted in a stalemate as the unions asked for a 10 per cent wage increase and the producers asked a 10 per cent cut. Some adjustments may be made in conditions, but it is believed that no change will take place in the present wage scale setup.

Whether or not the IATSE will sit in at the meeting could not be learned. The IA withdrew from the basic pact and negotiations for new contracts were carried on individually by the Coast Locals, but with the IA invited to rejoin it is possible they will make the step before the meeting.

New Metro-Warner Product Deal May Be Signed Today

(Continued from Page 1)

National Theaters is also well along, being described as 75 to 80 per cent set. Other deals similarly are said progressing satisfactorily.

WEDDING BELLS

Dorothy Rothacker, daughter of Douglas Rothacker, was married Saturday to Ensign Hugh Raynor Rimmer, U.S.N., at the Christ Episcopal church, Manhasset, L. I. A reception was given at the bride's parents' home after which they left on their honeymoon by car to California where Ensign Rimmer will be permanently stationed.

Indianapolis—Miss Beth Ann Williston, daughter of Mr. and Mrs. Dudley Williston, owners of a chain of theaters here and in Louisville, will be married here Sept. 4 to Joseph Barr, Bicknell, Ind. They will live in England for a year while the bridegroom studies on a scholarship.

Salinas, Calif.—Brian Aherne and Joan Fontaine, sister of Olivia de Havilland, obtained a marriage license here and state they will wed Sunday in Del Monte.

Indianapolis—Larry Shubnell, Columbia office manager and head booker was married to Helen Collins. They are spending their honeymoon in northern Michigan.

Indianapolis — Albert Blankenbaker of Warner Bros. staff was married to Jane Lewis. They are on an Eastern wedding trip.

Sheboygan, Wis.—Herbert Graefe, manager of the Badger Theater, Merrill, Wis., was married here to Miss Jennie Fairweather.

Johnny Weissmuller and Beryl Scott have announced their intention to be married this week.

MILLIONS ARE READING THIS!
N. Y. Daily News column syndicated across the nation!

Hollywood

By ED SULLIVAN

Glamour

Hollywood, Aug. 9.
In "Lady of the Tropics," Hedy Lamarr proves beyond any possible doubt that she is the most startling beauty ever to reach the screen. Perhaps there have been women to match the compelling loveliness of Hedy, but you mark me down as one of the doubters. . . . Certainly, there is no girl in Hollywood who can top or even tie The Lamarr.

They tell me, the historians, that Helen of Troy was quite a girl. . . . Others aver that Cleopatra was some shucks as a looker. . . . Mona Lisa's inscrutability has been accepted by many as mysterious beauty. . . . Venus de Milo, with or without arms, had a chassis that beggared comparison. . . . You can have them all, my little chickadees, and I'll give you twelve points and take Hedy.

In my time, I have seen some lookers. . . . Marlene Dietrich ain't hay. . . . Lili Damita had a quality of attractiveness that made you sit up and take notice when she breezed into a room. . . . Dolores Del Rio has a polished sleekness and coloring that arrest attention. . . . The late Marilyn Miller was gorgeous. . . . Garbo, Madeleine Carroll, Marle Oberon and Patricia Morrison have caused disturbances. . . . In the old days, Barbara La Marr made eyes pop. . . . Lillian Lorraine, Evelyn Nesbit and Dolores, of the "Follies," were stunners. . . . They tell me that Lillian Russell had a perfection of face and feature that stopped hansom cab traffic. . . . Take 'em all, brother. . . . I'll take Hedy.

Loretta Young, Anita Louise, Imogene Wilson, Vilma Banky, Carmel Myers and Nita Naldi just about represented the alpha and omega of feminine appeal. . . . Mary Kirk Brown, the youngster who has just hit Page 1 headlines, when she first arrived on Broadway did not have to take a back seat for any of them. . . . Billie Dove was a knockout. . . . Corinne Griffith, Gladys Glad, Jean Harlow, Agnes Ayres, Gwili Andre, Rene de Marco, Yolanda, Janice Jarrett, Betty Lomax, Ethelyn Holt, Mae Murray, the late Olive Thomas, Mrs. William Rhinelander Stewart and June Lang would have supporters in any beauty sweepstakes. . . . Aviatrix Ruth Elder was unusually pretty. . . . There are professional models who can match Ann Sheridan oomph for oomph. . . . But Hedy Lamarr would be the winner in any foto finish.

"Lady of the Tropics," coming on top of "Algiers," proves positively that cameras never have been trained on any one so photogenic as Hedy. . . . In one scene, she puts on a hat frontwards, backwards and sideways, while posing in front of a mirror. . . . She looked gorgeous each time. . . . Girls in the audience moaned when she accomplished it, a low moan of anguish. . . . "After I see her on the screen," confided one famous screen beauty, "I leave the theatre without even stopping to look in my mirror. What's the use?"

Director Jack Conway, Writer Ben Hecht and Cameraman George Folsey can take a low bow on "Lady of the Tropics." . . . In every way, this picture was the most unwelcome assignment in Hollywood. . . . You will remember that after she completed "Algiers," Miss Lamarr went into "I Take This Woman," which was shelved after an expenditure of three-quarters of a million dollars. . . . After that happened, every director in town shuddered at the thought of getting the next assignment. . . . Conway got it and did a grand job. . . . Folsey, who had been Joan Crawford's cameraman, did a magnificent job of photography. . . . Hecht's script, limited to certain definite lines, was just what the studio wanted.

Miss Lamarr, after "Algiers," was condemned with faint praise. . . . Nobody disputed that she was gorgeous, but it was believed that her lack of technique as an actress would wash up her career aborning. . . . In this third picture, Hedy wins the last laugh, because she handles her lines and scenes with the assurance of a trouper. . . . Her acting has improved tremendously. . . . I doubt if she'll ever win an Academy Award from Bette Davis, but when you look like that, you don't have to.

The subject of beauty always has been first-rate news. . . . The history of the world has been tied to it. . . . It has spurred men to build skyscrapers, launch boats, write poems. . . . It has turned cravens into heroes. . . . It has inspired great literature, great painting, great music. . . . So Hedy Lamarr, on beauty alone, is an important personage.

In the old days, the minstrels would have gone about the countryside singing about this dark-haired knockout drop. . . . The knights of the Round Table would have engaged in tournaments to win her hand. . . . Sir Walter Scott would have used her as a plaster model for his heroines. . . . Tennyson would have abjured the babbling brook. . . . Marc Antony would have given Cleopatra the go-by. . . . Helen of Troy would have been supplanted as a launcher of ships. . . . Shakespeare would have had a new Juliet for his balcony scene. . . . But this is 1939. . . . Hedy gets only the distinction of a syndicate column, filed from Sunset and Vine.



**THIS M-G-M
SUMMER!**

Isn't it thrilling! One hit after
another! The new one is terrific!

**ROBERT TAYLOR
HEDY LAMARR**

**"LADY OF
THE TROPICS"**

Directed by Jack Conway • Produced by
Sam Zimbalist • Screen Play by Gus Mink

AAAA WON'T ACCEPT AFL DECISION IN FULL

(Continued from Page 1)

prexy William Green and the Council stating that they had never agreed to the decision in full and they had expressly disapproved of a number of recommendations.

This action followed receipt of a wire from William Green at the 4A's headquarters in which it was stated that they must accept the decision in full and not reject any part of the decision, with "necessary action and further consideration" of the whole matter a mandatory step by the Council if its decision is rejected.

Principal points in the decision that the AAAA balked at were the recommendations that would bring Ralph Whitehead back into the actors' field of organization and the ruling that the 4A's should only have five representatives on a 10-man control board to supervise the AFA, if and when it was taken back into the AAAA fold. However, in the 4A's reply to Green, it was suggested that if they had a majority on this board they might be willing to consider some of the Council's other suggestions.

It was believed by observers of the dispute that Green might take retaliatory action in reply to this rejection action. In the actors' union wire to Green they further stated that they "will not" accept the decision in full at the request of A F of L vice-president Matthew Woll, and further, that they had never been informed of the contents of the decision until it was released to the press.

This action may renew the bitter battle between the two factions and ultimately lead to a serious strike situation, as both sides have threatened strike action, but hope was held last night that with the return to Atlantic City today of an AAAA committee to discuss the situation further with Matthew Woll that peace may still be brought about by mediation.

AAAA committee will be comprised of Ken Thomson, SAG, Paul Turner, AEA, Frank Gillmore, AAAA prexy, Florence Marston, SAG, Emily Holt, AFRA, Paul Duzell, AEA, and Henry Jaffe, AAAA general counsel.

Whitehead Holds Decision Must Be Accepted as Whole

Atlantic City—Stating that "the American Federation of Actors has accepted the A F of L Executive Council ruling on the jurisdictional dispute in the actors field," Ralph Whitehead, executive secretary, yesterday bitterly assailed Ken Thomson, SAG executive secretary, as being behind the entire "persecution" of the AFA, and named Thomson as the person who would be "guilty" if the decision of the Council is thwarted.

Whitehead asserted that the Coun-

"Plums of Plenty" Answers "Grapes of Wrath"

San Francisco—A three-reel pix, "Plums of Plenty" has been filmed to be shown in answer to "Grapes of Wrath," by the Kern County Chamber of Commerce. It pictures the farmer's side of the story, in defense against Steinbeck's expose of migrant worker conditions.

Kentucky Indies Organize to Fight for Lower Rentals

(Continued from Page 1)

have obtained the same rights for from 8 to 10 per cent.

Jesse L. Lausman, Louisville independent operator, said the organization—to be known as the Theater Business Association of Kentucky—would seek to get the price down to 25 or 30 per cent on all pictures.

In the past, Lausman said, the average indie has paid high prices because he was afraid that if he didn't, his competitors would.

"Gateway to Hollywood" Using Broadcast Format

Houston—Jesse L. Lasky's "Gateway to Hollywood" revue is playing a week's engagement at the Metropolitan. Several hundred people were turned away at the opening. Edmund Lowe, Anita Louise and Wendy Barrie are among the members of the revue, with Lowe acting as master of ceremonies. Houston candidates for screen careers appear in three skits, with Lowe and the Misses Louise and Barrie playing supporting roles. The revue runs 50 minutes. The show is presented in the form of a big-time broadcast, with two announcers being used.

RKO's Theaters Launch Golden Jubilee of Hits

A celebration within a celebration will make RKO Theaters' observance of the Fiftieth Anniversary of motion pictures. Having adopted "RKO's Golden Jubilee Year of Hits" as expressive of the type of shows to be presented during the 1939-40 season, RKO Theaters have been bedecked with banners, pennants, streamers and other festive trimmings bearing this inscription.

Rowland Appoints Agency

Richard A. Rowland, president of Rowland Productions, Inc., has appointed Donahue & Coe, Inc., to handle all advertising in connection with all 1939-40 product which will be released through United Artists.

cil's ruling was a clear-cut victory for the AFA and a complete vindication for its officers. He stated that it can only be accepted or rejected as a whole and that there was no middle ground.

He accused the AAAA of not wanting to abide by the decision now that it has been made, and characterized Thomson as playing the part of a "spoiled brat" who takes a stick of candy but attempts to evade the spanking that is long overdue.

Javal Sails For England To Confer on Tele Deals

(Continued from Page 1)

England yesterday to confer with home office executives and inspect new equipment lines the company is producing.

Javal said he was pleased with the progress the company has made since they entered the American field, but expressed the opinion that lack of programs at this time was retarding television. Meanwhile, the special theater constructed in the Gaumont British headquarters in New York will continue in operation with the theater screen set for demonstration purposes, it was learned.

The Baird exec. is believed anxious to see the developments the company has made with color television, reported to be highly successful. Javal will return here within two months.

TMAT's Executive Board Declares the ITOA Unfair

(Continued from Page 1)

laid plans to put the organization on all union unfair lists, it was disclosed yesterday. What action they will take in addition to this could not be determined.

The ITOA was charged with intimidating members of the union working in the member houses of the ITOA and also with intimidating pickets. Unfair practices were also charged in places where the union is striking.

Formal hearing of the Raybond Theaters-TMAT case will be held this morning before the State Labor Relations Board. Pickets are still being maintained by the union at the Vegue Theater.

Release of Revised Draft of Code is Again Delayed

(Continued from Page 1)

is made public by the Distributors Negotiating Committee through William F. Rodgers, Metro sales chief.

Last revisions embrace both substance and language changes, it is understood.

Published reports to the effect that Rodgers personally had submitted a final draft to the Department of Justice in Washington last week-end were said without foundation in informed quarters yesterday.

150,000 See "Chips" in Chi.

Chicago—More than 150,000 persons attended the eight-weeks' showing of Metro's "Goodbye, Mr. Chips" at B & K's Apollo Theater here. Film will be succeeded by Paramount's "Our Leading Citizen."

«REVIEWS»

"When Tomorrow Comes"

with Charles Boyer and Irene Dunne
Universal

SPLENDID STORY DEFTLY DIRECTED BY BOYER AND DUNNE AT THE BEST SHOULD MAKE THIS ONE A SO B.O. ATTRACTION.

Charming and gay, sad and enduring this is a story of two people that run the gamut of emotions as it is truthfully projected on the screen in an adult fashion by John M. Stahl. Charles Boyer and Irene Dunne are superb in the lead roles with Barbara O'Neil rating laurels for her part as Boyer's demented wife. The entire cast has been carefully selected and the supporting roles are filled perfectly. Stahl has directed and produced the film deftly, never allowing his story to deviate from its true course with any sappy interludes as a sedate to audiences who want everything rosy all times. Romance and heartbreak often walk hand in hand as they do in the James Cain novel, from which the film was made. Boyer accidentally meets Miss Dunne in a restaurant where she is a waitress. Unhappy and bearing the burden of being married to a woman who is demented times, he is attracted to her. They make a date and go sailing, finally arriving at Boyer's country home just as a storm is breaking. Irene learns who he is for the first time, a celebrated concert pianist. She falls in love with him and decides it is better to leave immediately than let matters go any further. A savage hurricane hits the shore and their car is crippled when a tree hits it. Rising waters force them to seek shelter in a church where they spend the night in the choir loft. In the morning they are rescued and Irene meets Boyer's wife, and learns the whole story. They meet once more and Boyer leaves her to sail for Europe with his wife, but he promises to come back "someday." A simple story, but beautifully and truthfully told with charm and feeling. The phone props or scenes are used to pad the story as it is unfolded and in its simplicity and directness lie the properties that make it a really fine picture, one which audiences will remember and talk about. Here is a picture that exhibitors can exploit to the hearts' content, with marquee names, a story by a prominent novelist, but in addition this is a story that audiences can understand and visualize in its telling because of its simplicity.

CAST: Irene Dunne, Charles Boyer, Barbara O'Neil, Onslow Stevens, Nydia Westman, Fritz Feld, Nella Walker, Harry Bradley, Milton Parsons.

CREDITS: Producer and Director, John M. Stahl; Novel by James Cain; Screenplay by Dwight Taylor; Cameraman, John Mesca; Editor, Milton Carruth.

DIRECTION, Excellent. PHOTOGRAPH, Top-Notch.

Pollock at World's Fair

Leo Pollock, until recently advertising and publicity director for Tri-National Films, Inc., is now assisting Leo Casey, newly appointed Director of Public Relations for the New York World's Fair. Pollock is in charge of the assigning of the publicity and photographic staff.

It's BIG!

It's IMPORTANT!

It's ROMANTIC!

It's INTERESTING!

It's VALUABLE!

It's VITAL!

It's

THE **Film**
DAILY

CAVALCADE

1939

FREE TO ALL FILM DAILY SUBSCRIBERS—OTHERS \$5.00 PER COPY

UNIVERSAL FILM EXCHANGES, INC.
ROCKEFELLER CENTER
NEW YORK

OFFICE OF
W. A. SCULLY

August 16, 1939

TO ALL BRANCHES:

Note following letter to all of our customers.

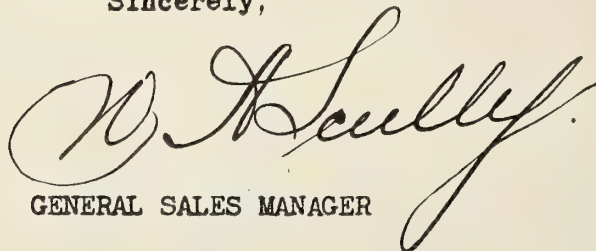
"We had expected to release during August 1939 a DEANNA DURBIN picture in the course of production, under the title of FIRST LOVE.

We now find that due to unforeseen circumstances it will be impossible for us to have this picture available for release during the current releasing season.

In view of the support and cooperation extended to us during the past year by our customers, we will deliver this DURBIN picture under our 1938-39 contract, even though under our contract we are not obligated to do so."

Please be governed accordingly.

Sincerely,



GENERAL SALES MANAGER

WAS L

15 11 77 M 82
15 11 77 M 82

THE **Film** DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 34

NEW YORK, FRIDAY, AUGUST 18, 1939

TEN CENTS

AF of L Council Considering 4A-1A Compromise Proposal U. S. SPURNS CODE, WARNS OF NEW SUITS Schaefer Announces Promotions in RKO Studio Setup

Nolan Becomes Assistant to Schaefer; Benedict Made a Producer

West Coast Bureau of THE FILM DAILY

Hollywood — George J. Schaefer, president of RKO Radio, announced here yesterday a series of promotions in company's studio setup.

Joseph J. Nolan, assistant secretary, who has served the organization for the past 18 years in both home office and studio positions, was named assistant to Schaefer. Nolan will continue to make his headquarters at the studio.

Howard S. Benedict, studio publicity director, goes over to the production department as a producer in

(Continued on Page 3)

N. Y. LABOR DEMANDS PRODUCTION IN EAST

Resolution introduced before the New York State Federation of Labor convention by Sal J. Scoppa, business agent of Local 52, studio mechanics, asking that 10 per cent of all yearly film production be made in New York was unanimously adopted yesterday by the State body. That this would happen was

(Continued on Page 9)

RCA Has Method of Using 16 mm. Films for Television

RCA engineers, following a long period of experimentation in company's Camden, N. J., laboratories, have perfected a projector-icono-

(Continued on Page 4)

Industry to Get Hearings on Belgian Trade Treaty

Washington Bureau of THE FILM DAILY

Washington—Motion picture industry will have opportunity to ask for change in tariff laws on films sent to Belgium under a new trade

(Continued on Page 9)

"OZ" OPENING PENS HISTORY

38,000 Storm Capitol for Pix, Stellar P.A.'s

In an opening without precedent in the history of the Capitol Theater, "The Wizard of Oz," with Mickey Rooney and Judy Garland appearing in person, drew approximately 38,000 patrons yesterday.

Lines started to form at 5:30 A.M. when many arrived at the box office with hot coffee and doughnuts. By 8:45 the entire block was surrounded six-deep and the sale of tickets was suspended. At 11 o'clock ticket-selling was resumed both at the box office and by ushers to persons in the lines.

At 3 P. M. the Capitol was still completely encircled. Additional police reserves were called, with cap-

(Continued on Page 9)

Williams-Griffith Charter \$250,000 Oklahoma Circuit

Oklahoma City—Another new circuit has been incorporated with H. F. Williams, K. Lee Williams, H. J. Griffith and Harry McKenna as of-

(Continued on Page 9)

New "Peace Proposal" Less Favorable to Sophie Tucker and Whitehead

Skouras Hopes Gov't Trust Suits May Benefit Industry

Denver — Addressing managers and executives of National Theaters Intermountain circuit here yesterday at the opening of their convention, Spyros Skouras, NT chieftain, stated that he believed the anti-

(Continued on Page 4)

D of J Insists on Divorcement, Says Arnold; Code Seen Menaced; Government Fears Indies Must Sign to Survive

By MILTON F. LUNCH, Washington Bureau of THE FILM DAILY

Washington—Adoption of the pending Trade Practice Code by the film industry "can only lead to continued and perhaps additional prosecutions," Thurman Arnold, Assistant Attorney General in charge of the Anti-Trust Division, declared yesterday

in a letter to the majors counsel that some quarters here felt may spell the Code's doom.

The letter attacked the Code as failing to solve what the Government considers illegal practices of the industry. Arnold stated flatly the aim of the Department of Justice is still divorcement of production from exhibition, primary objective in the New York equity suit.

The industry now faces the choice, according to observers here, of go-

(Continued on Page 4)

"U" SPENDS \$50,000 TO PLUG TWO FILMS

Minimum budget of \$50,000 has been set aside by Universal for the special promotion of two pictures this month. The first, "When Tomorrow Comes" starring Irene Dunne and Charles Boyer, has already reflected the strength of the

(Continued on Page 4)

Michigan Allied Meets In Kalamazoo on Oct. 2-4

Detroit—Allied Theaters of Michigan will hold the annual convention Oct. 2-3-4 at the Burdick Hotel, Kalamazoo. P. C. Schram, Kalamazoo exhibitor, is chairman of ar-

(Continued on Page 4)

ESPERIA TO BE ENIC DISTRIBUTOR IN U. S.

ENIC, Italy's government-controlled film bureau, has closed a contract with the Esperia Film Distributing Co. of New York whereby Esperia becomes the exclusive dis-

(Continued on Page 3)

Denies Further Particulars to UA in N. Y. Equity Suit

Federal Judge Edward A. Conger yesterday signed a formal order denying the application of United

(Continued on Page 9)

Coast Labor Council Will Co-op in Coast Pix Probe

West Coast Bureau of THE FILM DAILY

Hollywood—Open letter has been sent to Attorney General Frank Murphy by the American Federation of

(Continued on Page 9)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

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CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)	9	9	9	- 1/2
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.	10	10	10	- 1/8
East. Kodak	171 1/4	170 1/2	170 1/2	- 3/4
do pfd.				
Gen. Th. Eq.				
Loew's, Inc.	42 3/4	42 1/4	42 3/8	+ 1/8
do pfd.				
Paramount	9	8 7/8	8 7/8	- 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.	10 1/4	10	10	- 1/4
Pathe Film	11 1/2	11 1/4	11 3/8	- 1/8
RKO	13 1/4	13	13 1/4	
20th Century-Fox	18 3/8	18 1/8	18 3/8	- 1/8
20th Century-Fox pfd.				
Univ. Pict. pfd.	62 1/8	62 1/8	62 1/8	- 1 3/8
Warner Bros.	4 3/4	4 3/4	4 3/4	- 1/8
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46			
Loew's deb. 3 1/2s46	103 3/8	103 3/8	103 3/8
Para. B'way 3s55			
Para. Picts. 6s55			
Para. Picts. cv. 3 1/4s47	91 1/4	91 1/8	91 1/8
RKO 6s41	70	70	70
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48			

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.	13 3/8	13 3/8	13 3/8
Technicolor	15 7/8	15 3/4	15 3/4
Trans-Lux			
Universal Corp. vtc.			
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	4 3/4
Loew's Thea. Realty 6s 1st '47	102	103
Met. Playhouse, Inc. 2nd deb. '45	70 1/2	72 1/2
Roxby Thea. Bldg. 4s 1st '57	63 1/4	65 1/4

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

"Octopus" Suit vs. WB Goes to Federal Court

Suit against Warner Bros. Pictures, Inc., brought by M & G Amusements, Inc., was disclosed yesterday when New York Supreme Court Justice Thomas Noonan ordered transfer of the suit from the Supreme to the Federal Court. Plaintiffs claim the ownership of the film rights to the play "Sh'h The Octopus," authored by Ralph Murphy and Donald Gallaher. Warner Bros. is charged with asserting conflicting claims to the play.

Warners has filed an answer in which it alleges that Federal Judge Harry A. Hollzer in July ruled in its favor in a suit brought against them in California by the two authors.

RKO Opens 1st of 3 Foreign Sales Meets Today in Brazil

The RKO Radio Rio de Janeiro sales meeting opens today at the Copacabana-Palace Hotel. Brazilian manager Bruno Cheli is presiding. Foreign manager Phil Reisman and Nat Liebeskind, Southern South American Supervisor, are in attendance.

Reisman is expected to sail for Buenos Aires next Friday on the S. S. Brasil where the Argentine Convention will open on Aug. 31 under Nat Liebeskind's chairmanship.

Australasian manager Ralph R. Doyle has announced that the Australian and New Zealand sales forces will meet at Sydney Tuesday.

UDT Reduces Children's Prices in All 17 Houses

Detroit—United Detroit Theaters is dropping price of children's admissions in all 17 houses. At the Michigan and Palms-State, first-runs, price drops from 25 to 15 cents, while at the second-runs, it drops from 15 to 10 cents.

Ten cent parking for patrons of the two first-runs is also being introduced, overcoming a competitive handicap provided by parking charges of 25c to 40c for patrons in local parking lots. New rates apply to both day and night patrons.

Wanger to Spend 2 Millions On Verne Tale for 1940-41

West Coast Bureau of THE FILM DAILY

Hollywood—Walter Wanger has set a \$2,000,000 budget for "Around the World in 80 Days," and will send the Jules Verne story before the cameras in February. Jacques Thery is on the script and Wanger is seeking Ronald Colman for the lead. Release will probably be on 1940-41 program.

Delay Raybond-TMAT Case

Hearing before the New York State Labor Relations board yesterday of the Raybond Theaters-TMAT case was postponed until Thursday of next week.

Orpheum Theaters Creditors To Receive 1.977 Per Cent

Federal Judge Murray Hulbert yesterday approved the final report of Peter B. Olney, Jr., referee in bankruptcy on Orpheum Theaters, and discharged Olney. The company in the proceedings was a Missouri corporation operating theaters in St. Louis.

Creditor will receive 1.977/1000 per cent. Claims amounted to \$2,115,233 filed and assets amounted to \$27,684.

Fleischer Studios File for Dissolution in N. Y.

Albany—Fleischer Studios, Inc., has filed papers with the Secretary of State's offices here for dissolution of the New York corporation which has been supplanted by the new Florida company operating under the same name.

Papers were filed by N. William Welling, of New York City, counsel for Fleischer. Move is a perfunctory one, described as getting rid of a "legal relic" no longer needed.

Gehring Signs 20th-Fox Pix Deal with Michigan Co-op

Chicago—William C. Gehring, central sales manager for 20th Century-Fox, reports that Michigan-Co-op has signed for his firm's product, and that he has closed for the new season lineup with Warner's Milwaukee circuit.

Negotiations with Great States is expected to be closed next week.

Gehring states that 20th-Fox's business is ahead of the same period last year. He returns to New York today.

Mutual Theaters Signs Pacts With 7 Companies

Detroit—Mutual Theaters, booking cooperative representing 38 houses, has signed contracts for the new season with M-G-M, Warner Bros., Paramount, 20th-Fox, Columbia, UA, and Monogram, general manager Raymond E. Moon disclosed. Moon declined to state whether new contracts represented an increase in film rentals.

Mutual has one new member, the Flint Theater at Flint, being opened by Willard Johnson.

"In Name Only" Will Play 4 Weeks at Atlantic City

"In Name Only" will run for four successive weeks in Warner first-run theaters in Atlantic City. The unprecedented pre-release engagement follows a top-grossing initial week at the Warner which wound up yesterday. Pix also holds over at the Mayfair Theater, Asbury Park.

Cummings Gets New Pact

West Coast Bureau of THE FILM DAILY

Hollywood—Jack Cummings, M-G-M producer, has been given a new long-term contract.

COMING AND GOING

SPYROS SKOURAS, National Theaters chairman, arrives in Salt Lake City today on his of the NT divisional headquarters.

WILLIAM J. HEINEMAN, Western manager for Universal, left New York yesterday for an extended tour of his territory.

WILLIAM A. SCULLY, general manager distribution for Universal, left last night for brief visit to Charlotte, N. C., returning the home office Monday.

ERICH WOLFGANG KORNOLD leaves Hollywood in a few weeks for a vacation in Sweden.

N. C. CASSIDY, Michigan exhib., H. LEWIS, Louisiana exhib., and W. F. WELLS, South Carolina exhib., were visitors this week at the RKO Lounge.

M. S. HILL, division manager for the key circuit in North Carolina and his son HUGH and MONTY, LOUIS LEFFLER, exec. v. the Jefferson Amusement Co. in Texas, W. GODWIN, North Dakota exhib., LEWIS DEUTSCH, Minnesota exhib., were visitors this week the Paramount home office.

HELEN HAYES is en route to Europe on Normandie.

DR. FRANCESCO MACALUSO, Esperia Film head, arrived yesterday from Italy.

JOE E. BROWN is planning a trip to England in the near future.

ADOLPHE MENJOU, having completed his in Columbia's "Golden Boy," arrives in New York Monday for a brief vacation.

DAVID LOEW has arrived in New York from the Coast.

Chi. Won't Push Quiz Case

Chicago—Sources close to Corporation Counsel's office here declared yesterday that the City of Chicago will not further press the "Dr. IQ" case. This quiz attraction has been a recent feature at the Chicago Theater, but winds up on Monday evening next.

Contention has been that the quiz violates a city ordinance because it is essentially a lottery.

New FitzPatrick Pact

A new contract calling for TravelTalks to be released by G-M during the 1939-40 season has been signed by James A. FitzPatrick. New series will cover both North and South America.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 18
Gus Edwards McGrew F. Willis
Vernon Gray Robert Weitman
Sid Weiss

AUGUST 19
Colleen Moore Joan Peers
Kenneth McKenna Marie Wilson
Eleanor Boardman Edward H. McBride
June Collyer Edward K. O'Shea

AUGUST 20
Fred A. Kelsey Hyatt Daab
Bernard Hyman

SPERIA TO BE ENIC DISTRIBUTOR IN U. S.

(Continued from Page 1)

distributors for ENIC in the U. S. Dr. Francesco Macaluso, head of Esperia, arrived from Italy yesterday in the Vulcania and announced that he had been set in Rome about two weeks ago.

Esperia has acquired about 50 Italian pictures for distribution on this side. Macaluso said that approximately 80 features will be made in Italy this year.

Show window for the Italian pictures in New York will be the Esquire Theater on 8th Avenue. The name of the theater will be changed to the Cinecitta and will open under the Esperia banner on Sept. 15. Among the pictures acquired by the distributors and which will open at the Cinecitta are "Life of Giuseppe Verdi," "Scipione L'Africana" and "D'Altri Tempi." Esperia also will handle Luce Newsreel.

Macaluso said that he believed the Italian government and the U. S. distributors eventually would adjust their differences growing out of the ENIC monopoly. He said Italy looked favorably on foreign pictures and that it was willing to concede many of the issues desired by the American companies but not all of the points involved. If an agreement is reached, he added, the U. S. companies must make some concessions, also.

French "Season" to Start

New York's French cinema "season" will open on Sept. 1, when the Fifty-Fifth Street Playhouse will present the U. S. premiere of Victor Trivas' "Song of the Streets." It will be the first of four French screen importations scheduled to have their first showings in this country early next month.

WEDDING BELLS

Detroit—Edna L. Grace, secretary to Frank Gene, Vitagraph office manager, is to be married tomorrow to Eric Higginbottom.

Detroit — Paramount is having three marriages among the staff here. Elwood Dwyer, booker, was married recently to Ellen Studt. Allen Whitty, inspectress, was married Saturday to Arthur Thorodood. Carl Dorst, shipper, has announced is forthcoming marriage to Madeleine DeRosier.

Miami, Fla.—Dan Cupid continues to get in effective work at the Fleischer Studios where everything is speeding to complete "Gulliver's Travels" before Christmas. Four more couples are scheduled to say "I will" within the month. Blanche Harbort and George Gamanetti; Bettina Ryons of Los Angeles and James Culhane; Mary Marie Marion of New York and Anthony DiPaola; and Jane Mercer of Coconut Grove and Walter Cunningham.

ALONG THE



WITH PHIL M. DALY

● ● ● THAT Era of Good Feeling.....currently finding manifestation.....in the Exhibitors' Sponsored Testimonial.....to the New Universal and Prexy Nate Blumberg.....cannot but be further stimulated by the company's action.....in advising all customers.....it will deliver Deanna Durbin's "First Love".....under its 1938-39 contract.....although the production will not be ready.....until a month or longer.....after the contract expires.....Universal easily could have stood on its rights.....and withheld the feature.....but instead elects to deliver.....thus acknowledging "the support and co-operation.....extended to us during the past year by our customers".....

● ● ● WILLIAM J. SCULLY, "U's" able general sales manager.....yesterday saw nothing unusual.....in the decision.....or in the use of paid space in the trade press.....to acquaint all "U" branches.....with the course of action....."We're just playing square," said WJS.....Adding that he hoped to make delivery of the pix.....in late September.....or very early October.....But if Scully can't see anything.....out of the ordinary.....in the company's decision.....you can bet highly appreciative exhibs. will.....

● ● ● HOLLYWOOD.....or mebbe we should say Burbank.....is about to prove.....that it can take it.....Which is to say that Warners.....will kid those super-colossal Hollywood premieres.....next Tuesday when it opens its new featurette....."Slapsie Maxie's".....starring one Maxwell Everett Rosenbloom.....in said MER's nighterie.....Critics are being bidden on the basis of....."Good reviews or else".....and the engraved invitations.....further assure that the gala occasion.....will be featured by....."Bank Night, shoball, free dishes, bingo, bongo and banko".....Oh, to be in Hollywood on Monday eve! ! !.....But New Hope will have to do.....Or mebbe Moravia.....

N. Y. Exchange for Negro Pictures Opened by Sack

Sack Amusement Enterprises, distributors of Negro pictures, has opened a New York exchange at 723 Seventh Ave. The company has other branches in Dallas, Atlanta and Chicago.

Lester J. Sack, vice-president of the organization, is branch manager in New York. Adolph Pollak has been named sales representative and Dorothy Schapiro is cashier.

Sack is the exclusive national distributor for Million Dollar Productions, Inc., leading producer of Negro pictures. The New York exchange will serve the eastern territory. A few pictures with white casts also will be handled.

Alfred N. Sack, head of the firm, celebrated his 20th anniversary in show business on Monday.

Post Contract Extended

Under a renewal of contract just signed, Post Pictures Corp. will continue to handle foreign rights of the single reel Cinecolor shorts, "Popular Science" and "Unusual Occupations" produced by Jerry Fairbanks and Robert Carlisle.

Para. Successful Bidder for "Miss Susie Slagle's"

Paramount has just closed a contract for screen rights to a first novel by Miss Augusta Tucker, "Miss Susie Slagle's," having outbid five other film companies, it is stated, for the rights. The book, which was six years in the writing, is to be published in the Fall by Harper & Brothers.

Story deals with a group of Johns Hopkins' medical students at a boarding house in Baltimore. Miss Tucker is a former school teacher, book reviewer on the New York Times and feature writer on the Baltimore Sun.

Williams Adding Two

Oklahoma City—The K. Lee Williams Theaters, Inc. circuit has closed a deal for outright purchase of the American theater at Wilburton, from J. G. McGinley. The Williams circuit has also secured a 10-year lease on the Rohenstein Building on Main St., Wilburton, and will convert it into a "B" house to be operated week ends.

PROMOTIONS NAMED IN RKO STUDIO SETUP

(Continued from Page 1)

the Lee Marcus unit. Benedict had held the office as publicity director for the past five years, coming to the Coast from New York where he was engaged in publicity and newspaper work.

Perry Lieber was named to succeed Benedict as publicity head at the studio under S. Barret McCormick, head of advertising and publicity for RKO Radio. Lieber has been associated for the past 10 years with the department here.

Bert Gilroy, formerly assigned to production of shorts and features, was promoted to produce features exclusively in the Lee Marcus unit.

Lou Brock, director of shorts was moved up to head the short subjects department.

No other changes or promotions are said to be contemplated by Schaefer who leaves here today for New York.

J. R. McDonough vice-president in charge of studio operations and Sid Rigell studio manager will continue in their present capacities it was declared.

Mannix, Warner Deny SWG Charges at NLRB Hearing

West Coast Bureau of THE FILM DAILY

Hollywood — Testifying at the hearing before NLRB at which major producers are charged with intimidating and coercing the membership of the Screen Writers' Guild and refusing to bargain with them, E. J. Mannix denied that he had called any meeting of M-G-M writers or that he had ever spoken to Grover Jones, the scenarist, in connection with activities of the SWG. He also stated that in 1936 Irving Thalberg represented M-G-M in negotiations with writers.

Jack L. Warner denied that he had ever spoken to George Bricker, a scenarist, in connection with SWG activities. Sol M. Wurtzel of 20th Century-Fox testified briefly. B. B. Kahane and Sam Briskin of Columbia, Darryl F. Zanuck, David O. Selznick, Bernard Hyman and William Koenig were among the executives who had been summoned to testify before the NLRB.

STORKS!

Rudy Weiss, of the Warner home office real estate department, is celebrating the arrival of a baby boy, born to Mrs. Weiss on Sunday, at Doctor's Hospital. The baby has been named Ronald Whitman Weiss.

Another boy for the F. Shirley Wilcoxes of New Albany, Ind., Louisville's neighbor across the Ohio River. Wilcox manages the Grand and Indiana Theaters there for the Switow Amusement Co. of Louisville.

Code Spells Continued Industry Prosecution--Arnold

Murphy Aide Cites Alleged Economic Effects of Film Monopoly

(Continued from Page 1)

ing ahead with the Code in the face of Government opposition or dropping it completely after more than a year of hard work on the part of distribution and exhibition branches.

(William F. Rodgers, spokesman for the Distributors' Negotiating Committee, in New York did not care to comment upon the Arnold letter last night).

Arnold's letter was written in response to a request for an expression from the Department by the majors' attorneys who sent a copy of the proposed Code for examination and comment.

"The Code assumes that the present organization of the motion picture industry is legal and that divestiture of exhibition and distribution is unnecessary. It therefore completely ignores the position taken by the Government in the pending litigation against the major companies. It also ignores the repeated statements of prosecution policy with respect to the moving picture industry made by the Department," Arnold wrote.

The letter was sent to the following: Austin C. Keough, general counsel, Paramount Pictures; Robert W. Perkins, general counsel, Warner Brothers; Richard E. Dwight, of Dwight, Harris, Hoegel and Caskey; John Howley, of Donovan, Leisure, Newton and Lombard; and J. Robert Rubin, general counsel, Loew's, Inc.

The proposed Code is, in effect, an elaborate set of trade practice provisions superimposed upon a combination of producers, distributors, and exhibitors which, the Department contends, is an illegal and unreasonable restraint of trade, Arnold charged.

"While the Code appears to be voluntary, the practical effect of its adoption under existing conditions might be to compel independents to comply in order to survive," he wrote.

The Government has directly challenged some provisions of the proposed Code, Arnold stated. "In addition to the illegality of the Code in failing to provide for divestiture of production and distribution from exhibition, various specific provisions of the Code are directly challenged by the Government in the pending litigation against the major companies.

Divorcement Held Vital

"The Department therefore reaffirms the position which it has con-

Scophony Engineers Predict Television to Utilize Color Within Next Five Years

London (By Cable)—Engineers of Scophony Television are predicting the advent of color in television pictures within five years. The prophecy, however, relates to television in cinemas with receivers of the optical-mechanical sort. The engineers believe that it is impossible to get color images for television by means of the cathode tube. Experiments conducted at the Scophony laboratories, it is stated, using optical-mechanical receiving apparatus, have produced color images that are very encouraging.

RCA Has Method of Using 16 mm. Films for Television

(Continued from Page 1)

scope machine, by means of which 16 mm. films can be utilized for television programs.

Development is viewed by observers as assuring tele stations a new and large source of film footage.

Michigan Allied Meets in Kalamazoo on Oct. 2-4

(Continued from Page 1)

rangements. Miss Pearl M. Sprott, office manager, is leaving for Kalamazoo to make arrangements.

Metro to Do Wilde Tale; "Quo Vadis" for Taylor

West Coast Bureau of THE FILM DAILY

Hollywood — Metro has acquired pix rights to "The Canterville Ghost," by Oscar Wilde and plans production for 1939-40 release.

"Quo Vadis" is also announced by Metro as a forthcoming Hunt Stromberg production, starring Robert Taylor. Story will be adapted by Howard Estabrook, who has just signed a new long-term contract with the company.

sistently taken since proceedings against the motion picture companies were commenced, to wit, that divestiture of distributors and producers from the exhibition branch of the industry must be obtained."

Arnold outlined what he called "the economic effects of the present illegal combinations" as:

"1. Independently-owned theaters are being driven out of business because of the onerous and discriminatory conditions not only on the rental of film but with respect to other trade practices. At the present rate at which independently-owned theaters are being driven to financial failure, it will only be a question of a short time before there are no independents left in the field.

"2. New competitors who attempt to enter the field of motion picture exhibition find it almost impossible to secure film for exhibition on any reasonable and non-discriminatory basis. The result is that there is practically no effective new competition.

"3. These independently-owned theaters that have managed to date to survive are compelled, in order to get pictures, to operate under terms which leave them very little freedom in the selection of film and in the management of their own business.

"4. Independent producers find it practically impossible to secure a satisfactory market for their film because of the domination by the major companies over the exhibition houses. These independent producers are up against an almost hopeless bargaining disadvantage in securing markets for their film in exhibition houses that are controlled by the major producers

with whom the independent producers are trying to compete.

Says New Capital Discouraged

"5. New capital investment in the motion picture business is discouraged because of the great difficulty of competing on a fair basis with the major companies, either in production or exhibition, so long as the major companies control the principal markets for film.

"6. Theater patrons in any given community are not given an opportunity to exercise choice as to the type of pictures they desire to see. Under present conditions it is impossible for community taste to find expression through a locally owned theater free to bargain for the type of films its patrons wish. As matters now stand, each community is regimented into accepting the kind of picture which will make the most profits on a nation-wide scale.

"7. There is no opportunity for new forms of artistic expression which are not approved by those in control of the major companies, even though there exist communities which would support them."

The proposed Code will not remedy the charges listed by him, Arnold states.

"Therefore, the Department in order to make its prosecution policy clear is compelled to announce that the adoption of the Code dated August 10, 1939, by the motion picture industry can only lead to continued and perhaps additional prosecutions," the trust-buster-in-chief declares at the close of his letter.

Arnold's letter put a definite end to reports and counter reports that the Department would approve the Code with several changes suggested by it.

"U" SPENDS \$50,000 TO PLUG TWO FILMS

(Continued from Page 1)

campaign with the report of smash openings in more than 50 key situation theaters, many of them hitting better than 200 per cent of top opening day business. Rave reviews in nearly every instance made for continuance of business, and a record number of hold-overs are already indicated.

At the opening in New York, at the Rivoli Theater, the gross was reported as the highest in many years, with no let-up on the second day, and indications for a record breaking week-end business.

Meanwhile one of the greatest promotional campaigns ever instituted by Universal is going ahead full blast to introduce a new star Gloria Jean, in Joe Pasternak's production, "The Under-Pup." The picture will be shown at a double premiere in Scranton on the evening of Aug. 24, and will be generally released the week following. For the premiere Gloria Jean is coming East to make a p.a. surrounded by an entourage of approximately 75 newspaper critics from all over the country, trade paper scribes and fan magazine editors.

The group will gather at the St. Moritz Hotel in New York, where two full floors have been set aside for them, and will leave for Scranton on a special train out of the Pennsylvania R. R. Station next Thursday. They return the following day, and on Saturday, will be the guests of Universal at the World's Fair, in a celebration named "Gloria Jean Day" by the Fair.

Skouras Hopes Gov't Trust Suits May Benefit Industry

(Continued from Page 1)

trust suits filed by the Government against the film industry had been brought in good faith, and expressed the hope that they will aid rather than hinder business.

Skouras said it was possible some unintentional bad practices had developed in the theater and film business over a period of years, but he was confident that they could be corrected. Skouras left for Salt Lake City after attending a luncheon which was attended by 250 people, 100 of them NT men. He was presented with a watch and bill case by the NT employees.

Rick Ricketson, Intermountain division head, presided at the meeting.

Wesley Studios Quits

Albany—Wesley Studios, Inc., has had dissolution papers served on the Secretary of State by The Corp., 385 Madison Avenue, New York.



THURMAN ARNOLD

Hello-

Dorothy
Gloria Jean





Say "Hello!" and get on to what's happened! Universal has found a new star! A girl with a thrill-ion dollar voice, an amazing faculty for being herself. A star who's first picture finds her surrounded by the top favorites of Hollywood and backed by the production genius of Joe Pasternak, unerring creator of successes!

Robert CUMMINGS • Nan GREY

and Gloria JEAN in

"The UNDER-

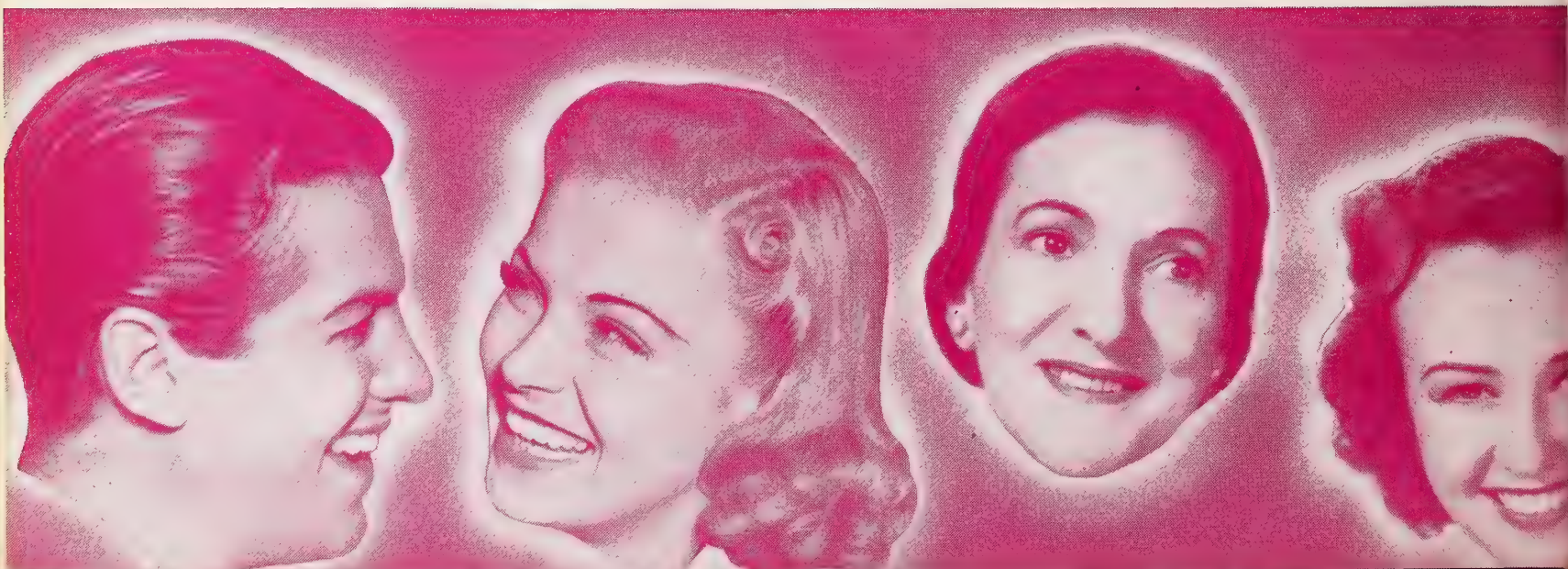
-There's one in every family!

with

Beulah Bondi • Virginia Weidler • Margaret Lindsay
C. Aubrey Smith • Billy Gilbert • Ann Gillis
Raymond Walburn • Paul Cavanaugh • Samuel S. Hinds

Original story by I. A. R. Wylie • Screenplay by Grover Jones • Directed by RICHARD WALLACE

A JOE PASTERNAK Production





HERE'S A STORY SO HUMAN YOU COULD CAST IT WITH ANY FAMILY, ANY YOUNG LOVERS, AND ANY SHINING YOUNGSTER—PROVIDED SHE HAD THE VOICE IN A MILLION THAT IS GLORIA JEAN'S!

Nothing ever happened to this family until Pip-Emma wrote about trees



HERE'S HOW JOE PASTERNAK (Creator of the Deanna Durbin successes) CAST "THE UNDERPUP"

1. Gloria Jean's first movie role is that of "Pip-Emma," a girl full of pranks and golden voice.
2. Robert Cummings, star of "3 Smart Girls Grow Up," plays breezy "Dennis," imaginative football star.
3. Nan Grey plays "Priscilla," who, for a time, denies Dennis' claim that life's best things are free.
4. Beulah Bondi is inimitable as a chilly old maid with a reserve like the Federal Bank.
5. Virginia Weidler was assigned as "Shy Janet."
6. Margaret Lindsay plays Mrs. Cooper, Janet's troubled mother.
7. C. Aubrey Smith, irascible, dominating as "Grandpa."
8. Billy Gilbert got the part of "Tolio" frantic father of two T.N.T. boys.
9. Ann Gillis was handed the part of "Letty-Lou," red-headed "stooge."
10. As the moneyed Mr. Layton, Raymond Walburn really swings his weight.
11. Paul Cavanaugh plays the good provider but bad father.
12. Shirley Mills is the dictatorish president of the "Penguins."

• But that did it! That brought on the people...and the Penguins . . . and the kind of happenings that could occur only in—and out of—a typical American home!

AUGUST 24th SEES the WORLD
PREMIERE of UNIVERSAL'S
"THE UNDER-PUP"

—There's one in every family!

at the Strand Theatre, SCRANTON, PA.

GENERAL RELEASE SEPTEMBER 1st

Backed by a \$75,000 National Promotion Campaign



COMPROMISE PROPOSAL IN ACTOR UNION ROW

(Continued from Page 1)

made clear on all sides that one individual stands in the way of a complete settlement, that man being **Ral Whitehead**, executive secretary of the AFA.

A new compromise proposal was considered at an all night session, and a statement is expected today.

The 4-A's yesterday demanded of the A F of L an interpretation of authority vested in the committee of 10 provided for in the original recommendation, especially in the matter of this committee deciding on the eligibility of officers to be elected or voted upon. The intention of the 4-A's being, from all appearances, to clip the wings of Whitehead who had previously stated he would be a candidate for re-election in the elections ordered 90 days from date.

Negotiations Continue Today

Further negotiations will be continued today when the complete clarification of the recommendations will be put before executive committee. Kenneth Thomson speaking for 4-A's stated: "We are still standing pat on our original three points and will have absolutely nothing to do with anything in which the name of Whitehead appears. We wait patiently to see what further the Council has to offer."

Green, after an all-night session, stated: "In response to representatives of the 4-A's we are endeavoring to get an interpretation on those parts of the decision which provided for a committee of 10. The A F of L will go further into that authority. This discussion will involve procedure and principle."

Council Not in Accord

Green stated he had brought back to executive committee qualifications for candidates which seemed to be agreeable to 4-A's but the Council itself was not entirely in accord. It was agreed, however, that if committee should have tie vote that they should select an arbitrator who should have full authority to make decisions.

Green intimated that the new arrangement of things would not be so agreeable to Sophie Tucker and Whitehead as was the previous decisions, but refused to enlarge upon the statement. Miss Tucker could not be found immediately for statement.

It became apparent last night that some agreement was reached between the 4-A's and the A F of L on the committee recommendation which has been a sore spot. Complete report of the "clarification" of recommendations will be made today and released.

Woll Works on Peace Plan

The proposal which it is hoped may result in bringing peace to the warring unions resulted from conferences held during the day yesterday between a spokesman for the 4-A's and Matthew Woll, vice-president of the A F of L, with advice of William Green, prexy of the A F of L, being

FWC's Gold Rush

Oakland—Fox West Coast theaters in the Eastbay area are having \$4,000 Gold Rush giveaway during August to boost Wednesday night biz. In Peninsula FWC theaters, \$300 a week is being given away on same plan.

Coast Labor Council Will Co-op in Coast Pix Probe

(Continued from Page 1)

Labor's Central Labor Council here promising full co-operation in the Government probe of industry affairs that has been launched by Charles Carr, Special Assistant Attorney General.

The Council at the same time charged Murphy had been induced to take a part in the CIO studio drive, and assailed the National Labor Relations Board as being responsible for the current labor strife. United Studio Technicians' Guild also wired Murphy welcoming the investigation and asking for a bargaining election.

Denies Further Particulars to UA in N. Y. Equity Suit

(Continued from Page 1)

Artists Corp. for a further bill of particulars in the government's anti-trust suit. The order directed UA to file its answer by August 28.

United Artists is the only major defendant that has not filed its answer as yet.

"Bill of Rights" Debut To Be Carried by NBC

World premiere of Warners Technicolor featurette, "Bill of Rights," will be held Aug. 31 at the National Conference of Christians and Jews to be held at Williams College, Williamstown, Mass. Warner publicity department has arranged for a national radio broadcast of events over the NBC Blue network, with company's stars participating on Coast hookup.

New Canal Point House

Canal Point, Fla.—Prince Theater will give way to a new house.

sought at various times.

The 4A representatives did not appear before the Council session, but presented their arguments in a private conference.

The 4A delegation which came for the conference included Frank Gilmore, president of the 4A's; Kenneth Thomson, executive secretary of the Screen Actors' Guild; Paul Dultzell, secretary of Actors' Equity; Emily Holt, secretary of AFRA; Edwin Arnold, SAG vice-prexy; Paul Turner and Henry Jaffe, attorneys.

Asked if they were considering a changeover to the CIO if no decision could be reached, the 4A spokesman stated: "It is too early in the game to say."

The 4A spokesmen received telegrams supporting its position relative to Whitehead from a number of Hollywood actors.

New York Labor Federation Demands Production in East

(Continued from Page 1)

exclusively forecast in THE FILM DAILY earlier this week.

With the convention winding up yesterday afternoon, it was expected that action would be taken by the State organization within the next few weeks as soon as State Prexy George Meany returns from a vacation. Governor Herbert Lehman and Mayor Fiorello La Guardia will in all probability be petitioned to help this move as an opening gun in the union's campaign, it was reported.

Industry to Get Hearings on Belgian Trade Treaty

(Continued from Page 1)

treaty now being negotiated with Belgium, the State Department said yesterday. Under the procedure in effect only list available of products to be negotiated on are those exported from Belgium.

On this list appears photographic films sensitized but not exposed or developed of every kind except motion picture films having a width of one inch or more and motion picture films sensitized but not exposed or developed having a width of one inch or more.

The U. S. industry is invited by the State Department to submit application to appear before committee for reciprocity information to suggest changes in the trade treaty. The industry has until Sept. 16 to submit application to be heard with hearing opening Oct. 2.

Williams-Griffith Charter \$250,000 Oklahoma Circuit

(Continued from Page 1)

ficers. Circuit has a \$250,000 Delaware corporation charter and will be known as Williams-Griffith Theaters, Inc.

First acquisition was of theaters in Auburn and Nebraska City, Neb., as the nucleus for a planned expansion program through Nebraska and Iowa. The two Nebraska towns are now being operated out of the Griffith-Dickinson office in Kansas City under supervision of H. J. Griffith.

H. F. Williams is president of the new organization, K. Lee Williams is vice-president, H. J. Griffith is secretary and treasurer and Harry McKenna, assistant secretary and treasurer.

Chi. May Nix Dual Parking

Chicago — Police officials here launched a drive yesterday against double parking of automobiles on city's thoroughfares. Film theaters having no parking lots regard the step as adverse to attendance and consequent revenue.

Defer Ford Case Hearings

Chicago—Hearings in Ford Theater's anti-trust action against B & K and major company defendants have been postponed until Aug. 25. Counsel for both sides agreed to the move yesterday.

'WIZARD OF OZ' OPENS TO RECORD BUSINESS

(Continued from Page 1)

tains and sergeants on hand to assist the patrolmen.

Highly efficient crowd handling permitted a constant line movement, with 2,000 admitted every 20 minutes and only a half hour wait from time of joining the waiting queue.

Not only is the Capitol benefiting but stores and restaurants as well as other Broadway houses appeared to be capitalizing on the crowds. New York dailies gave the record-breaking opening Page 1 attention.

15 Technicolor Features to Follow "Wizard of Oz"

Opening of M-G-M's "Wizard of Oz" yesterday at the Capitol leaves on Technicolor's schedule 15 features to come. Set for release shortly are "Elizabeth and Essex," Warners; "Hollywood Cavalcade," 20th-Fox, and "Queen of Destiny," RKO-Wilcox. In production are "Dr. Cyclops," "Typhoon," and "Untamed," Paramount; "Gulliver's Travels," Paramount - Fleischer; "Drums Along the Mohawk," 20th-Fox; "Gone With the Wind," UA-Selznick; "Thief of Bagdad," UA-Korda; and "Northwest Passage," M-G-M. In preparation are "Blue Bird" and "Swanee River," 20th-Fox; "Royal Canadian Mounted," Paramount; and "Pinocchio," RKO-Disney.

"Stanley And Livingstone" Draws 200,000 in Two Weeks

Total attendance for "Stanley And Livingstone" in its first two weeks at the Roxy had gone well past the 200,000 mark yesterday, with final audit expected to show a total of 225,000 paid admissions. Picture had a stronger day yesterday than any other day of the second week with exception of Saturday and Sunday. Pix goes into its third week today.

"Old Maid" Sets Wednesday Record for the Strand

At the Strand yesterday Warners' Bette Davis-Mirian Hopkins attraction, "The Old Maid," rolled up another huge week-day gross, final returns for the day disclosing 17,400 paid admissions. The Strand management asserted this was a Wednesday record for the house since the stage and screen show policy was inaugurated.

Monday and Tuesday of this week showed business of similar proportions.

B & K Holding "Each Dawn," "Stanley And Livingstone"

Chicago — Balaban & Katz are holding 20th Century-Fox's "Stanley And Livingstone" for another week at the Chicago Theater and will give Warners' "Each Dawn I Die" another week at the Garrick. Business generally in the Loop area is picking up.

T-H-E-A-T-E-R-S

Air Conditioning Systems
Projectors

EQUIPMENT

S-T-U-D-I-O-S

Technical—Supplies
FurnishingsSIMPLEX MECHANISM
FOR SPECIAL FIELD

To provide better sound and visual projection for moderate size theaters, with seating capacities ranging from 200 to 800, International Projector Corp. is marketing its new Simplex SI Mechanism, designed, manufactured and priced, company points out, to supply a definite demand for motion picture equipment.

Engineers of IPC cite that, although moderately priced, the new SI mechanism will give very satisfactory results and meet the needs of the special field for which it is intended, enabling theater owners who have been compelled to use old, obsolete equipment, to purchase standard Simplex equipment at a price comparable to far less efficient mechanisms.

The new Simplex SI Mechanism has many of the most modern improvements, such as Front and Rear Shutters, Semi-Centralized Lubrication, Air Deflector and Aperture Cooling Unit, Sprocket Strippers of the non-wrap around type, Fire Shutter Safety Trip of advance design, and also has many Simplex advantages which, in long practical use, have proved definitely valuable aids to the theater owner and projectionist in improving sound and visual projection and reducing maintenance costs.

SI Pedestal weighs approximately 225 pounds and is finished in black crackled enamel to match the standard finish of the SI Mechanism, Lamphouse and Magazines.

An outstanding feature of the new SI Projector is the new Simplex Low Intensity Lamp and Lamphouse for medium size theaters. The new Low Intensity Reflector Type Projection Arc Lamp and Lamphouse is of advanced design, sturdy and roomy, employing exceptionally large elliptical reflector 11½ inches in diameter.

McArthur Installations

Detroit—McArthur Theater Equipment Co. has sold Motiograph Model K projectors and Western Electric sound to the new Esquire Theater at Grosse Pointe. Installation is being engineered by Altec. McArthur is also installing Motiograph projectors and Brenkert lamps in the new Shafer Theater being opened by Walter Shafer on Sept. 1 at Garden City.

A STANDARDIZED THEATER?

From Today's Trend Tomorrow Viewed

By JOHN EBERSON, *Architect*

IN our previous article, discussing what means can be taken to provide both small communities and sub-divisions of larger ones with film theaters of their own, it was suggested that a new, standardized type of motion picture house be evolved.

Now, there naturally arises the query: "What specific advantages are to be gained through the idea of the standardized theater?"

As already pointed out, the initial benefit would be the setting-up of more adequate entertainment facilities for the public, who, via strategically placed houses, could with greater convenience and comfort than now exists witness the contemporary photoplay.

Secondly, the creation of more and better small film theaters is one of the essentials if a renaissance of interest and consequent patronage is to come about. Witness that the all-time high in attendance, according to industry records, was attained in 1930, which was some 20,000,000 persons more than the 88,000,000 set down as the total attendance during 1938. It must be realized that population has grown considerably in the U. S. during the past ten years, and every means should be instituted to win the existing public back to the screen in the 1930 proportion, and to court the rising generation of potential patrons by means of the best in entertainment and the best settings in which to enjoy it.

* * *

FURTHER, the small standardized type of house would afford the alert circuit and individual theater operator an opportunity to expand, without "going overboard" from the economic point of view, as if often the risk where the big, elaborate class of theater, wholly unstandardized, is concerned.

Additionally, the project of the

small, standardized house should be welcomed by the American producer of films, since added outlets promise added revenue.

The so-called standardized theater, would have to be undertaken with an eye to varying size building plots, and likewise take cognizance of varying community building codes. More than that, the architectural form of the exteriors could be expressed in countless designs, with the benefits of standardization accruing from similarity in size, equipment and certain appointments.

* * *

It is my opinion that the theaters of tomorrow can be standardized,

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As a result of new developments in Altec's system of laboratory and field life tests, vacuum tubes supplied for theater sound systems by Altec will receive a ten-fold increase in life guarantee.

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and yet be wholly different in appearance.

What shall constitute the standardization of the small, modern motion picture house of which we speak?

(In a subsequent article, John Ebersson will discuss the scope of standardization.)



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Of Motion Pictures
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VOL 76, NO. 35

NEW YORK, MONDAY, AUGUST 21, 1939

TEN CENTS

National and N. Y. Allied Split; Cohen Raps Leaders CODE STILL ALIVE, DISTRIBUTORS ASSERT Withdrawal From the A F of L Threatened by AAAA

**Green Says IATSE to Refuse
to Return AFA Charter;
4A's Bolt Session**

By W. H. MacMAHON
FILM DAILY Staff Correspondent

Atlantic City—Charging the Executive Council of the American Federation of Labor with a "shameful betrayal" and the upholding of dishonest unionism, the AAAA Friday bolted the sessions and flatly refused to accept any recommendations or interpretation of recommendations and will consider the question of leaving the A F of L affiliation.

The AAAA stated "the Executive Council's action forces us to consider terminating our 29-year relationship with the American Federation of Labor."
(Continued on Page 12)

FRELS SUIT CHARGES TRUST LAW VIOLATION

Victoria, Tex.—Rubin Frels has filed suit in the Federal Court here against J. G. Long, R. E. Griffith and all of their corporations, the Jefferson Amusement Co. and the East Texas Theaters, Inc., alleging a combination and conspiracy in restraint of trade in violation of the anti-trust law.

\$5,000 for Films Rights to Stage Flops Proposed

Long pending negotiations between the Dramatists Guild and film producers hit a new snag last week when the latter informed the Guild that, in their opinion, a down payment of \$15,000 on the screen rights
(Continued on Page 4)

Columbia's "Arizona" Will Be Produced in Technicolor

Columbia is going Technicolor with "Arizona," to be directed by Wesley Ruggles.
Company over the week-end and
(Continued on Page 12)

Exhib. Reactions to Code Rebuff

ED KUYKENDALL, MPTOA prexy: "I am not surprised at the Department of Justice action on the Code. I have said many time publicly they would never approve it. I again say there was nothing to prevent distributors making trade practice adjustment without a Code; it should have been done a long time ago. Exhibitors were fast losing interest in the Code anyway because of the long procrastination on the
(Continued on Page 13)



ED KUYKENDALL

COL. H. A. COLE, Allied States prexy: "The report of the Negotiating Committee at Minneapolis listed four basic reasons for Allied's rejection of the Code. Section Four of that report, which was referred to as 'the most important factor entering into our decision' stated that acceptance of the proposals would jeopardize prospects for additional relief, specifically referring to the Neely Bill and Government
(Continued on Page 13)



Col. H. A. COLE

TMAT Strike Affects 16 N-R-E Houses in Brooklyn

Strike was called at the Nelson Renner-Endicott circuit in Brooklyn Friday night by the Theatrical Managers, Agents and Treasurers union following the circuit's refusal to rehire a discharged man
(Continued on Page 13)

Gov't to Draft Standard Contract for Australia

Sydney (By Cable)—With a complete breakdown of parleys being conducted by a joint distributor-exhibitor representation to effect an agreement on terms of the new standard contract, it is expected that
(Continued on Page 13)

New York Allied Will Carry On; Cohen Explains Cause of Break

Tele Station Cost \$300,000;
175 Commercial Hrs. 1st Yr.

Capitalization required to organize and operate a television station is about \$250,000-\$300,000, while about 175 "commercial hours" can be expected to be sold during the first year of operation of such a station, David S. Spector, general
(Continued on Page 13)

By AL STEEN
FILM DAILY Staff Writer

The long-expected open break between national Allied and Allied Theater Owners of New York came to a head over the week-end when the parent body announced that it had severed all relations with the New York unit. At the same time, Max A. Cohen, New York Allied presi-
(Continued on Page 13)

Hope to Persuade the Government to Okay It, Declares W. F. Rodgers

The Trade Practice Code is not dead.

Despite the action of Thurman Arnold, Assistant Attorney General, in advising counsel for the majors that the Code, as submitted, falls far short of meeting the Government's objectives and is in fact an invitation to "continued and perhaps additional prosecutions," the Distributors Negotiating Committee proposed to carry on.

William F. Rodgers, Metro sales chief and spokesman for the Com-
(Continued on Page 4)

WARNS CANADA INDIES ON APPEAL TO GOV'T

Toronto — Warning against the present tendency of indie exhibs. to enlist the aid of organized groups and to appeal for Government aid in solving trade problems is voiced here by N. A. Taylor, vice-president of the ITA, head of Exhibitors Booking Association and prexy of 20th Century Theaters, Ontario's largest indie chain.

Taylor brands such indie tactics
(Continued on Page 12)

Skirball, Wildberg Close Production Deal with Col.

Jack Skirball and John Wildberg, who recently formed Knickerbocker Pictures, Inc., have closed a deal with Columbia whereby the latter
(Continued on Page 4)

National Allied Closing Headquarters to Sept. 6

Washington Bureau of THE FILM DAILY
Washington — National headquarters of Allied here closes tight from Wednesday to Sept. 6.

Abram F. Myers, general counsel
(Continued on Page 12)

THE FILM DAILY

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)
NEW YORK STOCK MARKET

	High	Low	Close	Chg.	Net
Am. Seat.	12 1/8	12	12	—	1/2
Col. Picts. vtc. (2 1/2%)	8 3/4	8 1/2	8 1/2	—	1/2
Columbia Picts. pfd.					
Con. Fm. Ind.	10 1/8	10 1/8	10 1/8	+	1/8
Con. Fm. Ind. pfd.	10 1/8	10 1/8	10 1/8	+	1/8
East. Kodak	170 1/2	165 1/2	165 1/2	—	5
do pfd.					
Gen. Th. Eq.	11	10 1/2	10 1/2	—	1
Loew's, Inc.	42 1/2	41 3/4	41 3/4	—	7/8
do pfd.					
Paramount	9	8 3/8	8 1/2	—	3/8
Paramount 1st pfd.					
Paramount 2nd pfd.	9 7/8	9 7/8	9 7/8	—	1/8
Pathe Film	11 1/4	10 1/4	10 7/8	—	1/2
RKO					
20th Century-Fox	18 1/2	18 1/8	18 1/8	—	1/2
20th Century-Fox pfd.	27 3/4	27 3/4	27 3/4	—	3/4
Univ. Pict. pfd.	60 1/2	60	60	—	2 1/8
Warner Bros.	4 3/4	4 1/2	4 1/2	—	1/2
do pfd.	52	52	52	—	2

NEW YORK BOND MARKET					
Keith B. F. ref. 6s46	100 1/2	100 1/4	100 1/2	+	1/4
Loew's deb. 3 1/2s46	103 1/2	103 1/4	103 1/4	—	1/8
Para. B'way 3s55					
Para. Picts. 6s55					
Para. Picts. cv. 3 1/4s47	91 1/4	91 1/8	91 1/4	+	1/8
RKO 6s41	69	69	69	—	1
Warner Bros. cv. 6s39					
Warner Bros. db. 6s48	89 1/2	89	89	—	3/4

NEW YORK CURE MARKET					
Monogram Picts.					
Sonotone Corp.					
Technicolor	15 3/4	15 1/8	15 1/8	—	5/8
Trans-Lux	1 1/4	1 1/4	1 1/4		
Universal Corp. vtc.	7 1/8	7 1/8	7 1/8	—	5/8
Universal Picts.					

N. Y. OVER-THE-COUNTER SECURITIES					
	Bid	Asked			
Pathe Film 7 pfd.	100	103			
Fox Thea. Office Bldg. 1st '46		3 3/8	4 3/4		
Loew's Thea. Realty 6s 1st '47					
Met. Playhouse, Inc. 2nd deb. '45	71	73			
Roxy Thea. Bldg. 4s 1st '57	63 1/4	65 1/4			

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The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—15th week	Astor
Beau Geste (Paramount Pictures)—3rd week	Paramount
In Name Only (RKO Radio Pictures)—3rd week	Music Hall
Stanley and Livingstone (20th Century-Fox)—3rd week	Roxy
The Old Maid (Warner Bros. Pictures)—2nd week	Strand
The Wizard of Oz (Metro-Goldwyn-Mayer)	Capitol
When Tomorrow Comes (Universal Pictures)	Rivoli
Island of Lost Men (Paramount Pictures)	Criterion
Exile Express (Grand National Pictures)	Rialto
Behind Prison Gates (Columbia Pictures)	Globe
Lure of the Wasteland (Monogram Pictures) (a)	Central
Spy of Napoleon (Syndicate Pictures) (a)	Central
Each Dawn I Die (Warner Bros. Pictures) (a-b)	Palace
Way Down South (RKO Radio Pictures) (a)	Palace

FOREIGN LANGUAGE FEATURES

U.S.S.R.—1939 (Amkino)—2nd week (a)	Cameo
China Fights On (Amkino)—2nd week (a)	Cameo
The World Is Ours (Frank Kessler)—2nd week	World

FUTURE OPENINGS

Our Leading Citizen (Paramount Pictures)—Aug. 23	Paramount
Death of a Champion (Paramount Pictures)—Aug. 23	Criterion
Conspiracy (RKO Radio Pictures)—Aug. 23	Rialto
The Conquest of Peter I (Amkino)—Aug. 23	Cameo
My Fifth Avenue Girl (RKO Radio Pictures)—Aug. 24	Music Hall
Hotel for Women (20th Century-Fox)—Aug. 25	Roxy
Range War (Paramount Pictures)—Aug. 25 (a)	Central
Prisoner of Corbal (Syndicate Pictures)—Aug. 25 (a)	Central
Dust Be My Destiny (Warner Bros. Pictures)—Sept. 1	Strand
Songs of the Street (French picture)—Sept. 1	55th St. Playhouse
The End of a Day (Juno Films)—Sept. 11	Filmarte
Lady of the Tropics (Metro-Goldwyn-Mayer) (c)	Capitol
Frontier Marshal (20th Century-Fox)—Aug. 24 (a-b)	Palace
The Spellbinder (RKO Radio Pictures)—Aug. 24 (a)	Palace

(a) Dual bill. (b) Subsequent run. (c) Follows current bill.

Calif. Labor Com'r Assumes Charge of Child Film Stars

West Coast Bureau of THE FILM DAILY
Hollywood—Starting today State Labor Commissioner H. S. Carrasco assumes jurisdiction over Shirley Temple, Freddie Bartholemew, Jane Withers, Gloria Jean and all other juvenile film players.

Carrasco has notified producers that they must obtain the consent of his department before employing minors in films, and satisfy him regarding the child's health, school record and attendance.

The new rule applies to children employed as extras as well as to stars, featured and bit players.

Robbins Vs. Warners Suit Dismissed by Judge Knox

Federal Judge John C. Knox on Friday dismissed for lack of prosecution a suit brought by Robbins Music Corp. against Warner Bros. Pictures, Inc., and Vitaphone Corp. Plaintiff had claimed that in a short entitled "Vincent Lopez and His Orchestra" that the defendants had unauthorizedly used the song "Stairways."

"U" Star in Radio Debut

Universal's new star, Gloria Jean, who arrives in New York today from the Coast preliminary to attending the premiere of her first starrer, "The Under-Pun" in Scranton Thursday, makes her radio debut Tuesday night on the "We, the People" program. Traveling with the star are her parents, Charles Previn, U's musical director, and David Lipton, U's studio publicity head.

Yes, It Was Hot

Warners home office closed at 3 p.m. Friday because of the heat.

Golden Jubilee Interest by Circuits Rising Fast

Affiliated and independent circuits, as well as independent exhibitors, are beginning to show keen interest in the industry's Golden Jubilee celebration, it was reported by Ken Clark, chairman of the committee, on Friday.

Clark said that circuits throughout the country were ordering the accessories in large quantities and that there was a heavy demand for the manuals. Chains and independents, he said, were organizing the campaign which swings into action during the first week in October.

Testimonial Stag Dinner for Three Lewistown Exhibs.

Pittsburgh—A testimonial stag dinner will be tendered the three exhibitors in Lewistown, Pa., Paul O. Klingler, Ike Barney and Harold D. Cohen, by their fellow exhibitors and representatives of the various distributing companies on Wednesday, at Johnson's Lodge.

Burt Bishop, manager of the local M-G-M exchange, will make the presentations. Jack Judd is chairman of the committee in charge of arrangements, and is being assisted by George Tice and Joseph C. Shapiro.

Preceding the inner there will be horseshoe contests, mushball and other games for the entertainment of those who attend.

Kent Drive's Zanuck Week

Week of Sept. 17 during the annual 20th-Fox S. R. Kent sales drive will be known as Zanuck Week, honoring the studio production chieftain.

COMING AND GOING

GEORGE J. SCHAEFER, RKO prexy, and S. BARRET McCORMICK, ad-pub chieftain, are due in from the Coast this morning.

LOUIS B. MAYER was in town over the week-end.

JAMES R. GRAINGER, Republic's president, arrived in Boston on the week-end from the home office, and heads this week for the first via Chicago, returning by way of Omaha and Minneapolis on Sept. 11.

S. CHARLES EINFELD arrives from Hollywood this morning.

ROBERT T. KANE, English production head for 20th-Fox, arrives here this week on the Ile de France.

ABRAM F. MYERS, Allied general counsel, is leaving on a short cruise, returning to Washington Sept. 11 following the New Jersey convention.

HENRY KING has planed to the Coast, following visits to New York, Washington and Chicago.

SAMMY COHEN, UA publicist, left New York on the week-end for a brief vacation in New England.

CHARLES ROBERTS, Columbia's home office supervisor for Latin America, arrived in New York yesterday by plane from Mexico where he spent two weeks on business.

HERMAN GOLDEN of Columbia's home office staff arrived in New York on Friday aboard the S.S. Oriente, following a business trip of five weeks to Panama and Cuba.

LOU IRWIN is en route to New York from the Coast for a week's stay.

HAROLD SCHUSTER, accompanied by his wife, is scheduled to arrive in New York today from the Coast. They plan to sail on the Mauretania next week-end for London where he will direct George Bernard Shaw's play, "Major Barbara," for Gabriel Pascal.

KEN WHITMORE, Warner studio publicist, is en route to New York from the Coast to handle press interviews for Vera Zorina just prior to latter's scheduled vacation trip to Europe.

GLORIA JEAN, 11-year-old Universal player, accompanied by her parents; CHARLES PREVIN "U" musical director, and DAVID LIPTON, studio publicity manager, left by train Friday for New York. Later they go to Gloria's home town, Scranton, Pa., for "Under-Pup" premiere.

CHESTER B. BAHN, editor of THE FILM DAILY, is vacationing at his New Hope farm, near Syracuse.

STEPHEN GOOSSON, art director for Columbia, sailed for Europe Saturday on the S. S. Champlain.

LESLIE HOWARD, actor; PIERRE MONTEUX, French conductor and his wife, also sailed on the Champlain.

ROBERT SMELTZER, Warner central district manager, was in New York last week for home office conferences.

JOHN JONES, president of Jones, Linick & Schaefer circuit in Chicago, has returned to that city after a vacation on the Coast.

A. G. DOYLE, manager for 20th-Fox in Japan, sails for Tokio today on the Coolidge.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 21	Hans Dreier
Albert Rogell	Hiller Innes
Bert Roach	John Dacey
Forrest Stanley	Bill Pierce
Louis Brock	James Dent

"BEAU"

captures two more keys!



Brooklyn, N. Y.—“BEAU GESTE” scores smash at Fox Brooklyn establishing record gross for opening day, exceeded only by New Year's and Christmas opening and a Mae West personal appearance.



Newark, N. J.—Despite rain and heat wave **“BEAU GESTE”** turns in biggest opening day business since January 1937.

C'EST BEAU! C'EST BEAU!

(French for IT'S PARAMOUNT'S YEAR!)



CODE IS STILL ALIVE DISTRIBUTORS ASSERT

(Continued from Page 1)

mittee, in a statement released on Friday made that plain in emphatic fashion and, in so doing, nailed as without foundation a published story to the effect that distribution companies had on Thursday "decided to abandon all efforts at adoption" of the Code.

Rodgers' statement, brief and to the point, said:

"The Committee that worked on the Code has not lost one single bit of faith in it. They believe thoroughly that it can be of tremendous value to the industry and will tend to solve a great many of the difficulties which have arisen. We still hope to persuade the Government that the Code should be put into effect."

Rodgers earlier told THE FILM DAILY that the Justice Department's action had come as a complete surprise. He said that the distributors had not expected the D of J to take any action, either for or against the document.

There is no basis, he said, for the assumption that the Code is dead.

\$5,000 for Films Rights to Stage Flops Proposed

(Continued from Page 1)

to a play, as set forth in the terms of the new proposed contract, are exorbitant.

Producers countered with an offer of \$5,000 as a down payment, with \$2,500 to be paid the end of the second week and \$7,500 at the end of the third week. It was pointed out that on this basis, the average price of flop plays would be only \$5,000.

Representatives from Warners, Metro and Paramount have been huddling with Guild officials recently.

Skirball, Wildberg Close Production Deal with Col.

(Continued from Page 1)

will distribute three pictures to be made at Eastern Service Studios.

First to go into production about Oct. 1 will be "Angela is 22," by Sinclair Lewis. The second will be "For All Our Lives," by Ursula Parrott. A third story by Peter Arno is being considered.

The pictures will be budgeted at \$400,000 each. Financing was arranged by Frank Speidel of Eastern Service.

WEDDING BELLS

Penacock, N. H.—Arthur K. Dame, assistant manager of the Palace Theater here, and Miss Vaulien F. Shaw were married at Salisbury.

ALONG THE



WITH PHIL M. DALY

● ● ● **MEBBE** it's the heat.....or the humidity.....or just a fast-approaching vacation.....that has us in a mellow, reflective mood.....but whatever the cause.....we're moved to observe.....that one of the major maladies.....from which this industry suffers.....is the failure of some folks.....to see the other side.....These "blind spots" are not necessarily within the industry.....indeed, many of them are not.....but it's the industry that pays.....and pays.....and pays.....directly or indirectly.....

● ● ● **FOR** instance, there's the demand by Film Audiences for Democracy.....that Paramount change "Our Leading Citizen".....to meet its particular concept.....of what is pro-labor and anti-labor.....That there is a "blind spot" is suggested.....by the fact that spokesmen for organized labor.....and State Governors who would be quick to keep silent were the film anti-labor.....have given it their benedictions.....

● ● ● **THEN** there's the frequently uttered.....roar of protest.....against this industry's high star salaries.....Leaving aside the fact that.....a stellar career at best is brief.....and that taxes cut down the salaries materially.....isn't it a fact that those to chiefly benefit.....from a star's popularity.....are the relatively unknowns.....whose pay envelopes, week in and week out.....are dependent upon the "name"?.....

● ● ● **THE** Chicago Tribune editorially the other day.....summed up the array of such "unknowns".....thus indebted to Clark Gable thiswise:....."They are found in his supporting casts.....They write his continuities and his publicity.....They are carpenters, electricians.....scene designers, and scenery builders and movers.....They are cameramen and laboratory men.....They sell films and own theaters.....They are stenographers.....and bookkeepers and office boys.....They operate movie projectors.....They are ushers in theaters, ticket sellers and janitors.....They are building tradesmen.....and engineers designing air-conditioning equipment.....They jerk sodas in the ice cream parlor.....next door to the theater.....They sell gasoline to movie patrons.....and park their cars.....They print advertisements.....They mine the silver in Utah.....which goes into the emulsion which other men at Rochester.....smear in raw film made from cotton.....which still others have grown in Georgia.....all in order that his public.....may enjoy the sight of Clark Gable making love".....Could you phrase it better?.....

● ● ● **AND** for another "blind spot".....if you insist.....or even if you don't.....there's the criticism.....tossed not infrequently at Hollywood moguls.....because, forsooth, they dare.....to lift their noses from the studio grindstone.....From what some folks say.....and write.....you'd think it a sin against the industry.....for producers, directors, stars, etc.....to watch the hosses run.....ride a polo pony.....or engage in anything.....but making pictures.....They never heard the one.....about all work and no play, etc.....and what's still more to the point.....they fail to consider.....what a helluva state of affairs.....for this business.....it would be.....if folks generally.....didn't forget work occasionally.....and hie themselves.....to the Bijou.....the State.....the Paramount.....Keith's.....and the old Town Hall.....

« « « » » »

«REVIEWS»

"Golden Boy"

with Barbara Stanwyck, Adolphe Menjou
William Holden

Columbia

99 Min

(HOLLYWOOD PREVIEW)

BRILLIANT FILM VERSION OF BROADWAY SMASH HIT SHOULD ROLL TO GROSSES.

Packed with comedy, pathos, and the struggle of human emotions, "Golden Boy" is even perhaps more effective as film far than it was in its stage setting. The towering desire to be somebody, the shading of hope and despair of the boy whose destiny was music, but who twisted his soul in an alien profession, are dramatically manifest through the remarkable performance of William Holden, "a find," and the skillful directorial guidance of Rouben Mamoulian. The Clifford Odets' play, translated to the screen almost verbatim, yet with such skill of treatment in the scenery by Lewis Meltzer, Daniel Taradash, Sarah Y. Mason, and Victor Heerman, that it achieves new dramatic power. It tells of a boy, William Holden, who was born to be a violinist, but who suddenly feels that time is fleeting, and that with all his practicing he is not getting anywhere. Lee J. Cobb, his father, who owns a grocery, spends all his cash to buy his young genius a fine violin. But on the night that he waits to give it to William, latter breaks into the fight ring, and brings home a hundred dollars, his first earned money. That decides the issue—fighting is his game. He turns his back on his father's broken heart, goes up and up in the ring under the anxious eye of Adolphe Menjou, a shoe-string manager, and with the encouragement of Barbara Stanwyck, Menjou's girl friend. Not until he kills a fighter with a knockout blow does he come to his senses. Then, in spite of a broken hand, it's music, the girl, and home for him. Outstanding were the portrayals of Holden, Cobb, Sam Levene, as the brother-in-law, Adolphe Menjou, Joseph Calleia, as a gangster, and William Strauss, the philosophizing family friend. Barbara Stanwyck had her usual frank, sincere appeal. Edward S. Brophy, Beatrice Blinn, and Don Beddoe came in for their smaller share of the honors. The film is expressive evidence of Rouben Mamoulian's keen appreciation of human values; and much credit is due the excellent production supervision by William Perlberg.

CAST: Barbara Stanwyck, Adolphe Menjou, William Holden, Lee J. Cobb, Joseph Calleia, Sam Levene, Edward S. Brophy, Beatrice Blinn, William H. Strauss, Don Beddoe.

CREDITS: A Rouben Mamoulian Production. Producer, William Perlberg; Director, Rouben Mamoulian; Based upon the play by Clifford Odets; Screenplay, Lewis Meltzer, Daniel Taradash, Sarah Y. Mason, Victor Heerman; Cameramen, Nick Musuraca, Karl Freund; Art Director, Lionel Banks; Montage Effects, Donald W. Starling; Editor, Otto Meyer; Musical Score, Victor Young; Musical Director, M. W. Stoloff.

DIRECTION, Skillful. PHOTOGRAPHY, Top-Notch.

Alden to Reopen

RKO will open the Alden Theater, Jamaica, L. I., next Thursday with Dave White as manager.

Columbia Releases, AUGUST, SEPTEMBER

FRANK CAPRA'S MR. SMITH GOES TO WASHINGTON

co-starring

JEAN ARTHUR ★ JAMES STEWART

with

CLAUDE RAINS • EDWARD ARNOLD • GUY KIBBEE • THOMAS MITCHELL
Beulah Bondi • Ruth Donnelly • Eugene Pallette • H. B. Warner and one of the largest casts
ever assembled • Screen play by SIDNEY BUCHMAN

Directed by FRANK CAPRA

• Sold exclusively from any Columbia group

*The magnificent filming of the CLIFFORD
ODETS Group Theatre stage success . . .*

GOLDEN BOY

**BARBARA ADOLPHE WILLIAM
STANWYCK ★ MENJOU ★ HOLDEN**

A ROUBEN MAMOULIAN PRODUCTION • Produced by WILLIAM PERLBERG

Screen play by Lewis Meltzer, Daniel
Taradash, Sarah Y. Mason, Victor Heerman

1938-'39 PROGRAM

COAST GUARD

**RANDOLPH FRANCES RALPH WALTER
SCOTT ★ DEE ★ BELLAMY ★ CONNOLLY**

Screen play by Richard Maibaum, Albert Duffy, Harry Segall • Directed by EDWARD LUDWIG

Drama blended with romance . . . the trium-
phant story of the service that never sleeps!

1938-'39 PROGRAM

JOAN BLONDELL ★ MELVYN DOUGLAS THE DOCTOR TAKES A WIFE

Directed by **ALEXANDER HALL**

Carrying on the gay mood of "There's Always A Woman" and "Good Girls Go To Paris" in a grand comedy by Aileen Wetstein . . . in response to hundreds of letters to our studio asking for more of this incomparable laugh team . . .

1939-'40 PROGRAM

RELEASED
IN OCTOBER

HOWARD HAWKS' HIS GIRL FRIDAY

**CARY IRENE RALPH
GRANT DUNNE ★ BELLAMY**

The "Awful Truth" stars—and the director who made "Only Angels Have Wings" such a memorable entertainment achievement . . . bringing you now the Charles Lederer adaptation of a stage success by the ace writing team of Ben Hecht and Charles MacArthur.

1939-'40 PROGRAM

RELEASED
IN NOVEMBER

WESLEY RUGGLES' ARIZONA JEAN ARTHUR

. . . and an imposing cast to be announced . . .

Based on Clarence Budington Kelland's Saturday Evening
Post serial novel . . . Screen play by Claude Binyon . . .

**A roaring, lusty story of the West during the thrilling days of our Civil War!
and**

A 2nd Wesley Ruggles Production—to be announced

1939-'40 PROGRAM

RELEASED
IN DECEMBER

FRANK LLOYD'S *The* **TREE of LIBERTY**

Adapted from the best-selling patriotic novel by Elizabeth Page . . .
Choice of The Literary Guild and The Discoverers! Acclaimed by all
critics! Given ★★ ★★ by Liberty Magazine! The glorious chronicle of the
beginnings of our country . . . filled with meaning for Americans today!

and

A 2nd Frank Lloyd Production—to be announced
1939-'40 PROGRAM

3 "BLONDIES"

PENNY
SINGLETON

as "Blondie"

ARTHUR
LAKE

as "Dagwood"

LARRY
SIMMS

as "Baby Dumpling"

Based on Chic Young's famous King Features comic strip . . .
packed with the grand antics of those lovable Bumsteads!

1939-'40 PROGRAM

NOW IN **"BLONDIE TAKES A VACATION"** **3rd of the**
RELEASE **Series!**

The **INCREDIBLE MR. WILLIAMS**

Mirth-packed comedy introducing a genuinely new
type of hilarious personality—created by talented
Sy Bartlett!

1939-'40 PROGRAM

ALEXANDER HALL'S SUPER CLIPPER

Think of 84,000 pounds of glistening metal . . . a hundred human souls . . . hurtling across the oceans' trackless wastes! A picture that promises to be one of the season's unforgettable events!

1939-'40 PROGRAM

THE MAN THEY COULD NOT HANG BORIS KARLOFF

Eerie, fascinating story of a great doctor who discovered how to bring the dead back to life! A superb role for Karloff, the inimitable!

1938-'39 PROGRAM

RELEASED
AUGUST 17

EDITH FELLOWS FIVE LITTLE PEPPERS AND HOW THEY GREW

1938-'39 PROGRAM

Rich in swell acting opportunities for a versatile youthful star! Based on the famous novel by Margaret Sidney Lothrop... and
2 ADDITIONAL EDITH FELLOWS PRODUCTIONS

RELEASED
AUGUST 22

JOE E. BROWN SPOOK HOUSE

(TENTATIVE TITLE)

One of the year's grandest comedy scripts . . . a new departure in Brown shows!

and
AN ADDITIONAL JOE E. BROWN PRODUCTION

1939-'40 PROGRAM

RELEASED
IN
SEPTEMBER

PRISON SURGEON WALTER CONNOLLY

A great role for a great performer! Prison drama that's more than action — though there's plenty of that, too!

1939-'40 PROGRAM

RELEASED
IN
SEPTEMBER

WARDEN LEWIS E. LAWES

appearing in his own stirring drama of the famous
"Big House" on the Hudson which he heads . . .

MEN IN SING SING

Written by the man who knows more about criminals and their lives than any one in America . . .

1939-'40 PROGRAM

RELEASED
IN
DECEMBER

MRS. MARTIN JOHNSON'S I MARRIED ADVENTURE

The greatest woman explorer of them all carries on . . . alone . . . the gallant tradition of her late husband . . . to bring you a heart-warming true story set amid the strange excitement of far-off jungles . . .

Sold exclusively from any Columbia group

LONE WOLF No. 1

(TENTATIVE TITLE)

WARREN WILLIAM

A star born to play the suave, elegant gentleman rogue created by Louis Joseph Vance . . .

and

AN ADDITIONAL "LONE WOLF" PRODUCTION

1939-'40 PROGRAM

RELEASED
IN
OCTOBER

SCANDAL SHEET

Revealing in all its dramatic importance the "heart" story behind a big paper's headlines!

1939-'40 PROGRAM

RELEASED
IN
OCTOBER

MILITARY ACADEMY

Wide in appeal . . . the glorious chronicle of young America in the making!

1939-'40 PROGRAM

RELEASED
IN
NOVEMBER

4 JACK HOLT PRODUCTIONS

Stories inspiring him to give the vital performances that keep him in the front rank of all action stars! Outstanding casts and production values will give him the support he deserves . . . !

1939-'40 PROGRAM

SINGAPORE

Capturing all the seething color and drama of the exotic melting pot of the seven seas . . . the very name of which — Singapore — breathes adventure, romance and mystery . . .

1939-'40 PROGRAM

SHORTS... WESTERNS and SERIALS!

104 SINGLE REELS

Never approached before in diversity, novelty and box-office power

16 "COLOR RHAPSODIES" in full Technicolor • 10 "PHANTASIES" • 6 "FABLES" • 6 "FOOLS WHO MADE HISTORY" • 6 "PALS AND PETS" • 6 "FAMOUS MOMENTS OF COMEDY" • 6 "CINESCOPIES" • 10 "COMMUNITY SINGS" • 12 "SCREEN SNAPSHOTS" • 12 "WORLD OF SPORTS" • 8 "COLUMBIA TOURS" • 6 "WASHINGTON PARADE"

26 DOUBLE REELS

8 THREE STOOGES COMEDIES

The triumphant trio of mad zanies more hilarious than ever...

18 ALL-STAR COMEDIES

Starring

CHARLEY CHASE ★ ANDY CLYDE ★ BUSTER KEATON
and other major comedians!

16
Westerns

Charles
10 STARRETTS
with the SONS OF THE PIONEERS
Your favorite action ace in fast-moving thrillers filled with rollicking tunes of the saddle.

WILD BILL
6 ELLIOTTS
The man who made Wild Bill Hickok live again rides to greater glory and adventure.

4 SERIALS

1 THE SHADOW
Favorite hero of millions over 175 radio stations... and in "The Shadow" magazine.

EDGAR WALLACE'S
3 The GREEN ARCHER
The greatest of all stories by the most celebrated of all mystery writers.

2 TERRY and the PIRATES
Based on Milton Caniff's Famous Artists Syndicate strip read by millions.

4 DEADWOOD DICK
The Western hero who has thrilled generations of Americans comes to full-blooded life on the screen.



"A NATURAL" FOR TECHNICOLOR...

So that's the way Columbia is doing...

"ARIZONA"

**CLARENCE BUDINGTON KELLAND'S SATURDAY
EVENING POST SERIAL AND NEWEST NOVEL**

Already, on the outskirts of the modern Tucson, are rising the adobe pueblos of the old walled town of 1859, employing hundreds of workers, and enlisting the assistance of Arizona officials, historians and educators. Nearby will be established a tent city to house 2,500 players, extras, technical workers, cooks, servants, etc.

**ALL THE GLOWING COLOR OF THE GOLDEN WEST
CAPTURED IN GLORIOUS TECHNICOLOR!**

WESLEY RUGGLES' "ARIZONA"



STARRING

JEAN ARTHUR

and an OUTSTANDING CAST to be announced shortly.

AAAA ISSUES THREAT TO QUIT THE A F OF L

(Continued from Page 1)

tion of Labor. They have placed an individual above principle. In an attempt to whitewash this discredited individual the Council is willing to precipitate what will probably be the most disastrous war that has ever afflicted the amusement industry."

In the meantime, according to William Green, the IATSE will refuse to return the AFA charter, leaving the AFA without a home as the AAAA will not accept them as long as Ralph Whitehead remains as an officer.

No Further Action Till Fall

No further action will be taken on the situation by the A F of L until the Fall convention when the AAAA will be allowed to again come before the body. The AFA having no standing will not be allowed to do so.

"Their action forces us to place before our membership the question of leaving the American Federation of Labor," says the AAAA statement, in part. "We will present our membership with the full facts of this shameful betrayal in Atlantic City and it will be up to them to decide."

"Mr. Whitehead had the audacity to come before the board of the 4A's and to demand that he be given either a clean bill of health and deny printed reports that he was running his union through a vest pocket Council and undemocratically, or give him a thorough investigation. To Mr. Whitehead's surprise the board voted the investigation and proved the printed reports up to the hilt."

Charge Betrayal of Actors

"Mr. Whitehead conspired to betray the interests of the actors by seeking a charter from the stagehands' union which action, the Executive Council of the American Federation of Labor found to be unconstitutional and an infringement of the jurisdiction of the 4A's."

"A quick examination of the decision announced by the Executive Council leads us to believe that it will meet with emphatic rejection by our membership and for very good reasons. The decision in one part affirms our right to govern ourselves as an international union and therefore to expel the American Federation of Actors and then orders us to reinstate the American Federation of Actors."

"One of its most repellent features requires us to revoke the charter of the American Guild of Variety Artists which would leave our members no other home but the

Girl on the Cover

That pretty girl on last week's cover of Life was Rosabelle Borushik of Republic's accessories department in New York. The young lady was on her way to the Coast for her vacation when Life caught up with her. Al Adams refuses to reveal whether or not he had anything to do with it.

THE WEEK IN REVIEW

D of J Spurns Code—Para. Theaters to Odeon

By GEORGE H. MORRIS

DOMESTIC

THE CODE: D of J tossed a bombshell into industry ranks on Thursday when Trust-Buster Thurman Arnold declared that adoption of the trade practice Code would "only lead to continued and perhaps additional prosecutions." In a letter to the majors, Arnold attacked the Code as failing to solve what the Government considered illegal trade practices. On the week-end, Code's fate was undetermined insofar as distribs. were concerned.

LEGALISTIC CROSS - FIRE: Earlier in the week, Joseph M. Schenck attacked Government interference with the film industry and those advocating Government regulation. W. Ray Johnston, Monogram's prexy, asserted that litigation is stifling showmanship in the U. S. . . . Developments in the Government's equity action against the majors in N. Y. included Columbia's answer to charges. Reply termed the company an indie. An early trial is looked for by the D of J. . . . Hollywood reported that D of J's triple industry probe there is under way, with evidence set to go to U. S. Grand Jury in September.

LABOR FRONT: Following a bitter jurisdictional dispute between the AAAA and the IATSE a deci-

American Federation of Actors which all of these members emphatically repudiated by joining the AGVA.

Calls Decision Dishonest Unionism

"It is indeed ironic that when the 4A's for the first time in its 29-year association with the A F of L comes to its parent body for a square deal it gets what is without question an unjust verdict."

"The Executive Council has chosen the side of dishonest unionism. Their action is dictatorial and unconstitutional. The 4A's cannot, with honor, submit to such a decision."

All of the above conflicts with Whitehead's statement which follows:

"The AAAA rejection is a go ahead signal for us to go through with organizing plans aided by the IATSE. The AAAA missed a wonderful opportunity. Mr. Browne has assured me that he was not leaving us in the cold."

Statement by Green

Green at his press conference stated:

"In view of the conflicting interpretations of the decision of the Executive Council reported in the press and by the parties involved, the Executive Council of the American Federation of Labor issues the following formal statement clarifying the situation and setting forth the conditions under which the committee of 10 is to function: The funds, properties, records and other assets of the AFA and the AGVA are to be

sion was handed down last week by the American Federation of Labor Executive Council. However, the decision was rejected by the 4A's and the dispute was renewed vigorously at the week's close. Formal signing of the pact between the IATSE and the producers took place. Meeting of New York State Federation of Labor unanimously endorsed a resolution to bring 10 per cent of all production to New York. Parley on the basic pact renewal was asked by the unions in the pact.

FOREIGN

CABLE NEWS: London flashed word that deal had been concluded twixt powerful Odeon Circuit and Paramount whereby 14 of latter's houses in the U. K. go under Odeon's banner. Para. retained only its Plaza Theater on London's Regent St. as a showcase. House was first Para. theater venture in the U. K. . . . From Berne came word that Swiss quota may force U. S. companies out of Swiss market . . . Squawks of U. S. distribs. succeeded in blocking taxation provision in bill introduced in lower branch of Cuban Congress . . . Italy's ENIC, government-controlled film bureau, closed contract with Esperia Film Distributing Co. of New York whereby Esperia becomes exclusive distribution agency for ENIC in the U. S.

transferred in the following manner:

The AFA and the AGVA shall turn over the funds, properties, records and other assets to the three persons named on the committee representing the American Federation of Labor, who shall hold the same in trust for the purposes set forth in the original decision, and shall transfer them to the properly elected officers of the AFA at the conclusion of the election.

"The committee of 10 shall establish the rules governing the nominations and the election, the eligibility of members to participate, and other matters pertaining thereto."

"In the event the committee of 10 cannot agree on any question, it will appoint a disinterested party to decide the question or questions in dispute."

"It is hoped that with this interpretation all parties will accept and proceed to carry out the decision of the council."

"Looks Like Open-Warfare"

Green added: "This looks like open warfare. We hoped to settle things and take a load off the shoulders of the AAAA. Now it becomes apparent they want to work out their own solution. The situation remains the same as before we started these discussions. The AFA has no AFL standing and will not be allowed to come before the convention. The IATSE will give up the AFA definitely. There will be no further action by the A F of L until the convention."

WARNS CANADA INDIES ON APPEAL TO GOV'

(Continued from Page 1)

as "playing with dynamite" and asserts, "it is only one step, away from losing control of our business."

Unusual interest is attached to Taylor's warning in view of the threat by the Anti-Protection League to dump trade problems in the Dominion in the Government lap unless its demands are met by the distribs. and affiliated circuits.

Taylor commented upon the recent move by indie exhibs. in Illinois to enact, with the assistance of pressure groups, a law banning duals. Calling the situation "deplorable," Taylor said, "Legislating the length of a motion picture show through public pressure seems to me the wrong way of accomplishing the right thing. It is an alarming example of the unwillingness of the motion picture industry to govern itself."

As a solution to the duals problem, Taylor favors programs running 2¼ to 2½ hours, with the single feature supported by four-ree featurettes. Re-styling of B's into compact streamlined four-reels packing punch without padding will serve to bolster weaker A's, he contends.

National Allied Closing Headquarters to Sept. 6

(Continued from Page 1)

and board chairman, sails on a short cruise, returning in time for the Eastern regional convention in Atlantic City Sept. 6-8. He does not arrive in Washington until Sept. 11.

National Allied is suggesting that affiliates send its recent bulletin devoted to Allied's reply to charges that it scuttled the code at Minneapolis to their entire membership. Such distribution, it is stated, "would greatly strengthen Allied's position."

Columbia's "Arizona" Will Be Produced in Technicolor

(Continued from Page 1)

nounced that it would dip the screen version of Clarence Budington Kelland's novel in the dye vat, with pix going before cameras next month. Jean Arthur will have the femme lead, male star is yet to be named. It's Columbia's first full-length Technicolor production.

Trial Tomorrow

Opening shots in the threatened warfare will be fired this week, with trial of Sophie Tucker set for tomorrow and meeting of the SAG in Hollywood called for tonight, and Actors Equity and Chorus Equity, huddling in New York tomorrow night to discuss the whole situation, and possibly pave the way for a vote which will bring about withdrawal from the AF of L. Emergency meetings of other 4 A affiliates are also expected to be held this week.

NAT'L ALLIED SPLITS WITH NEW YORK UNIT

(Continued from Page 1)

dent, reported that his organization would continue as usual. He clarified his own position and pointed out alleged discrepancies in nation—Allied's assertions as to why the split came about.

In reality, New York Allied never was officially a part of the national organization. According to a bulletin issued from Washington headquarters, the New York unit had not been formally accepted, but had been allowed representation at meetings of the board.

Grounds for Severance

Three grounds for the severance were cited by the national directors, who were polled by mail, as follows: (1) Failure of the New York organization to discharge its obligations to support the national association; (2) acting contrary to the policies of Allied States, and (3) failure to curb attacks upon and criticisms of national Allied and its policies by the president and counsel of the New York organization. All these, according to the release, are in violation of the constitution.

In reply to the charges, Cohen, on Friday, lashed out at Allied leaders and sought to disprove many of Allied's allegations in regard to the Trade Practice Code. He made two startling claims, both of which involved issues which have been controversial points during the negotiations on the code.

That Code "Agreement"

The first concerned the question of whether or not an agreement was reached in principle on the code at the Chicago conferences last November. W. F. Rodgers, key man in the negotiations, has declared emphatically and consistently that an agreement was reached with the Allied leaders. Abram F. Myers, Allied general counsel, and other organization leaders have been just as emphatic that an agreement was not reached.

According to Cohen, the resolution adopted by the Allied negotiating committee instructed that committee to accept the concessions offered by the distributors, subject to the reducing of the verbal understanding to writing. The resolution also called for the arbitration proposals to be subject to the ratification of the board, Cohen said. After a heated argument on its passage, the resolution, he added, was passed by a vote of 8 to 4, after it formerly had been defeated by the same count. Cohen, who was present at that conference, said that Nathan Yamins, former Allied president, had told the committee that he favored the code, quoting Yamins as saying that he didn't "give a hoot about theater divorcement or the Neely Bill."

"The passage of that resolution," Cohen said, "left no room for mis-

Exhib. Reactions to Code Rebuff

(Continued from Page 1)

part of distributors. Why all the hoop about a Code? Why not just start doing right. Nobody was ever put in jail for doing right."

HARRY BRANDT, ITOA prexy: "Thurman Arnold has been ill-advised regarding the trade practice code and the needs of independent exhibitors. Divorcement of theaters is not important to the welfare of independent exhibitors. What is important is that the troubles that would be solved through the arbitration provisions of the Code would mean a great deal to the success of independent theater operation."

"I earnestly entreat the distributors to go ahead with the code and allow the exhibitors of the nation to take advantage of what it offers. If the Code is not received by the distributors, the exhibitors can place the blame on the shoulders of Abram F. Myers who had campaigned most actively for Government intervention rather than logical exhibitor relief."

"The Government suit will take at least two years to prosecute and there is doubt as to whether it will be prosecuted to a successful conclusion. The Code on the

action through the courts. This present announcement by the Department of Justice completely justifies Allied's stand."

ABRAM F. MYERS, Allied States general counsel: "The Code debacle is the logical outcome of a transparent attempt to tide over an emergency instead of making a serious effort to remedy industry abuses. I hope this will have a sobering effect on the real bosses of the industry and that they will now bring forth proposals which will command the confidence of the Government, the independent exhibitors and the public in general."

CHARLES GILMOUR, president of Theater Owners and Managers of the Rocky Mountain Region: "While I have not been able to get the opinions of all our members, I can repeat the statement made previously by our organization that we believe it is to the best interests of independent exhibitors to have a fair code."

other hand means immediate relief to the independent exhibitors who need that relief most urgently."

Gov't to Draft Standard Contract for Australia

(Continued from Page 1)

the Government's new film commission will have to draft the contract itself. No agreement could be reached on the some 80 clauses in the proposed contract.

Government had set Aug. 1 as the effective date.

To Reopen Omaha's State

Omaha—State Theater will be operated by A. L. Kaplan, former New York fur dealer, who will have as advisor Ralph D. Goldberg, veteran exhib. and circuit operator.

interpretation despite what Myers and others have said."

Mis-statement, Charges Cohen

The second claim by Cohen involved the assertion by Myers in a recent bulletin that the code was not rejected at the Minneapolis convention until after the distributors had had an opportunity to be heard. That, according to Cohen, was a mis-statement of fact as he said he was present at a board meeting on the day before Rodgers and other advocates of the code had talked and that the code was rejected by the directors at that time. In fact, he added, he had voted for its rejection himself, on that day after he had discovered that its provisions allegedly were not the same as had been agreed upon in Chicago. The code was killed by the Allied board before the distributors had a chance to say a word, Cohen contended.

Cohen indicated that the controversy between the state and national organizations had resulted from his desire to keep the door open for negotiation of a fair code. While not seeing "eye to eye" with

County Prosecutor Gives Green Light to Bank Night

Belleville, Ill.—State's Attorney Louis P. Zerweck of St. Clair County has given an informal opinion that Bank Night as it is being conducted by three local motion picture theaters does not constitute a lottery under the Illinois laws.

Zerweck's interpretation is in direct conflict apparently with various court rulings on the subject, including the Illinois Supreme Court.

Talk Chi. Variety Club

Chicago—Plans are still in the preliminary stage for the organization of a Variety Club here.

the Allied leaders, Cohen declared that his only aim was to achieve a bill of rights for the independent exhibitor and that he wanted to resort to litigation and legislation only when all other methods had failed. The Allied leaders, he said, did not see things his way.

Cites N. Y. Allied's Code Aid

Several of the additional clauses which would be of benefit to the exhibitors were the result of New York Allied's efforts, even after President H. A. Cole had insisted that the distributors would give no more ground, Cohen said.

New York Allied has worked for harmony within the industry, he concluded, and that can't be contrary to national Allied policies if its leaders are sincere.

In answer to the charge that the unit had not discharged its obligation to support the national body, Cohen said that while actual dues had not been paid, the New York group had contributed financially in paying off legal fees and other debts.

"Our hands are clean," he said; "we have nothing to worry about."

TELE STATION COST CLOSE TO \$300,000

(Continued from Page 1)

sales manager of the Andrea Sales Corp. states. Increase to 465 commercial hours can be expected for the second year, while 624 hours are anticipated for the third year, Spector declares in an analysis of television costs in the current "Editor and Publisher."

Advising publishers that haste is needed if they want to obtain one of the limited television channels, Spector dissects probable costs and profits of television after the FCC permits sponsored programs. He cites \$50 as the average figure for a daytime hour show, against \$200 for an evening show, with an estimated cost of about \$120,000 for the station plus operating costs.

According to Spector, the average hour of television time would sell for about \$1,065 or \$885, based on the combined station costs over a two or three-year stretch. Comparing a 5-minute slot of television time at \$100 with a 700-line ad in a paper in a city of from 250,000 to 1,000,000 population, television's "costs would be considered cheap," the Andrea executive declares.

Salaries for a station operating 4 to 6 hours daily would be about \$41,500, while other expenses would reach \$30,500, totalling \$72,000, he declares.

TMAT Strike Affects 16 N-R-E Houses in Brooklyn

(Continued from Page 1)

ager. Circuit, which embraces 16 houses, was immediately picketed.

Union claims that the manager, Paul Weintraub, was fired because of union activities. An ultimatum was sent to the circuit by the union to rehire Weintraub by 4 p.m. Friday. It was ignored.

Strike vote was taken at a membership meeting of the TMAT earlier last week. The union claims that it has a 90 per cent majority of employes in the circuit within its jurisdiction.

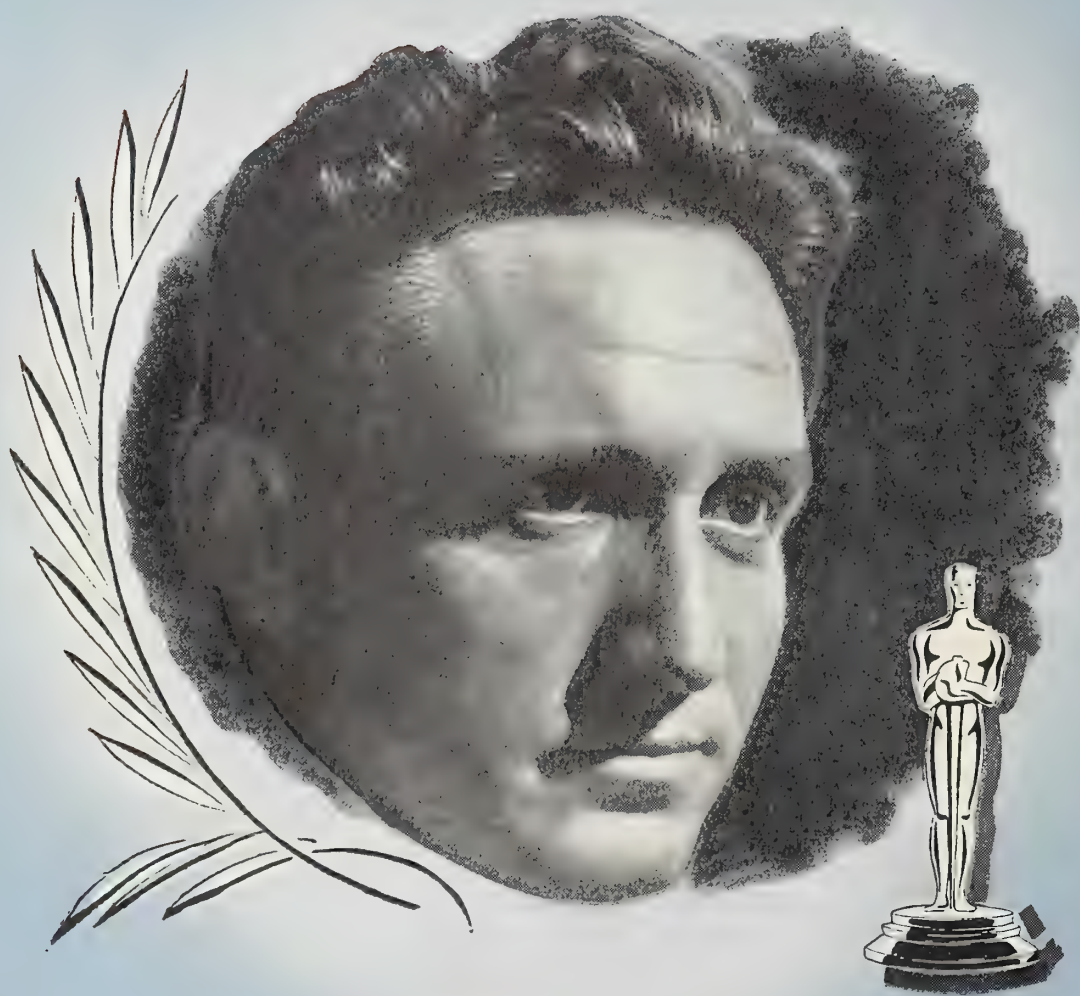
Contract between the Theatrical Managers, Agents and Treasurers union and the Five Boro circuit in Brooklyn becomes effective Sept. 3, with pact due to be inked before Aug. 26, it was learned Friday.

Third Conference Fails to End Strike of Ushers

Boston—Settlement of the IATSE ushers strike, which in the past week has involved walkouts in 11 M & P Theaters Corp., Boston and suburban houses, seemed further away than ever Friday when a third meeting between theater and union representatives came to naught. The conference, the first since Tuesday, followed an executive session during which circuit officials and attorneys considered union demands for recognition and for salary and hour adjustments.

20th CENTURY-FOX
congratulates
SPENCER TRACY

on another Academy Award performance
in "Stanley and Livingstone"



A great actor again wins acclaim for a performance that will stand as one of the screen's most memorable. ¶ Twentieth Century-Fox joins the nation in paying tribute to his distinguished portrayal of Henry M. Stanley in "Stanley and Livingstone."

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 36

NEW YORK, TUESDAY, AUGUST 22, 1939

TEN CENTS

Increase in British Production Indicated by Majors STATUS OF CODE REPORTED TO BE "UP IN THE AIR" Sophie Tucker Won't Attend Equity Trial Without Atty.

AAAA Appoints Steering Com. Preparing for "Any Eventuality"

With top American Federation of Labor executives still working desperately to bring about a peaceful settlement of the dispute between the AAAA and the IATSE-AFA coalition, further fuel was heaped on the fire yesterday when Sophie Tucker, AFA prexy, stated that she would not appear at the Equity trial today because she has no confidence in the body and following the executive council's decision there were no charges against her with any foundation.

Miss Tucker last night wired the
(Continued on Page 15)

FRENCH, ENG. FILMS DOMINATE IN SPAIN

Because the American newsreels did not take full advantage of the possibilities for making shots in Rebel Spain during the recent civil war, Spanish exhibitors are giving most of their business to British and French distributors, according to Garcia Vinolas, chief of Spain's prop-
(Continued on Page 4)

GN Stockholders Approve Amended Felt & Co. Plan

Stockholders of Educational and Grand National yesterday approved the amended Felt & Co. financing plan, which will make approximately
(Continued on Page 4)

WB-FN Combined

London (By Cable)—Effective yesterday, Warner Bros. and First National became one organization here with Max Milder in charge of distribution. Under the former setup, Warner Bros. and First National represented two separate selling units in England. Announcement of the new plan was made by President Harry Warner, who arrived here last week for conferences with executives of the London office.

Triple Bills Gaining in Chicago Houses; Essaness Offers Premiums with Three Pix

Chicago—Week-end check of Chicago area theaters, shows triple bills are gaining a bit, with B & K using triples at its Belmont, Biltmore and Crystal Theaters. The Essaness Circuit is using not only triples at its North Center Theater, but is throwing in dinnerware to boot, while at its Biograph Theater, three cups and three saucers are given with each admission. The Rio Theater has gone in for free ice cream for the kiddies with a triple feature show, while on the South side the Harvard and Eastside Theaters are using kitchen knives to bring the folks in.

SCRANTON PREPARING FOR GLORIA JEAN DAY

Scranton—This town today is preparing to play homage to 11-year-old Gloria Jean, star of Universal's "The Under-Pup." When the picture opens here Thursday with Gloria Jean in person, 100 motion picture critics from all over the country, stage and screen stars and other figures in the industry will be her guests in a celebration never before seen in this town of anthracite mines and silk mills.

Gloria Jean's rise to stardom has
(Continued on Page 15)

Admission Taxes in July Up \$42,989.40 Over June

Washington Bureau of THE FILM DAILY
Washington—An increase of \$42,989.40 in admissions taxes collected in July compared to June was reported yesterday by the Bureau of Internal Revenue. July admissions
(Continued on Page 4)

GFD WILL RELEASE FOR NEW BRIT. FIRM

London (By Cable)—General Film Distributors follows up its announcement of a large program of Gainsborough pictures for distribution, with another perhaps even more important. It has contracted to release the output of a new producing firm, Legeran Films, Ltd. Stars of international reputation will appear in the films.

Chairman of the new concern is
(Continued on Page 15)

Orphans Guests of Para. At "Star Maker" Preview

West Coast Bureau of THE FILM DAILY
Hollywood—Seventeen "most deserving orphans" were the guests of Paramount and Linda Ware, 14-year-old Paramount singing star, at the world premiere of "The Star Maker" here last night. A "dream train" brought the orphans from leading
(Continued on Page 15)

Number and Quality of British-Made Pix Expected to Show Strong Upswing

Modification of Delaware Blue Laws Held Possible

Wilmington, Del.—Modification of Delaware's 144-year-old Sunday blue law appeared likely at the week-end as Governor Richard C. McMullen and a group of Wilmington minis-
(Continued on Page 4)

London (By Cable) — Sharp upswing in both the number and quality of British-made features during the next 12-month span is clearly indicated by a series of recent developments involving plans of U.S. majors to expand activity here.

Harry Cohn, Columbia's president, asserts that his company, which this
(Continued on Page 16)

Parts of Draft May be Salvaged and Incorporated in Film Contracts

The status of the trade practice Code was described by an industry attorney last night as being "completely up in the air," but it was indicated that parts of the Code may be salvaged by the individual companies and incorporated in their contracts.

Counsels for the majors met yesterday to decide on a course of action in view of the Department of Justice's declaration that the proposed code was regarded as illegal.
(Continued on Page 4)

EINFELD SEES ACE PIX FROM ALL LOTS

Hollywood's 1939-40 product, all studios considered, will be stronger in quality, promotional value and entertainment than during any previous year in filmland's history, asserted Charley Einfeld, Warners' publicity-advertising director, as he
(Continued on Page 16)

"The Star Maker"

Paramount wrote plainly and convincingly last night on the screen of its own Paramount Theater here that it has a box office Big Bertha in the Charles R. Rogers-produced attraction, "The Star Maker." Though far and away the best picture Bing Crosby has made to date, and affording Louise Campbell and Ned Sparks rich roles for their talent, the most significant attribute of "The Star Maker" is that it makes a new star, youthful Linda Ware, whose exciting voice, personality and acute sense of showmanship score with decisiveness. Packed with human interest; equipped with a fast-moving screen play which is both versatile and ingenious in unfolding the story of Gus Edwards' life, and flecked with both much-loved melodies of the long ago, plus songs which America will shortly be humming, the footage is audience meat from first to last. Its mass appeal becomes all-embracing by virtue of Walter Damrosch's presence with the Philharmonic Orchestra of Los Angeles, —assuring a class appeal of magnetic force. Roy Del Ruth's direction is stand out.
—MORRIS.

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 3/4	11 1/4	11 1/4	- 3/4
Col. Picts. vtc. (2 1/2%)	8 1/4	8 1/4	8 1/4	- 1/4
Columbia Picts. pfd.	9 5/8	9 1/2	9 1/2	- 1/4
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	0
Con. Fm. Ind. pfd.	9 5/8	9 1/2	9 1/2	- 1/4
East. Kodak	163 1/2	163 1/2	163 1/2	+ 1
do pfd.				
Gen. Th. Eq.	10	9 1/4	9 1/4	- 1
Loew's, Inc.	41	40	40 1/8	- 1 3/8
do pfd.				
Paramount	8 7/8	7 3/4	7 7/8	- 1 1/2
Paramount 1st pfd.	90	90	90	- 1 1/2
Paramount 2nd pfd.	9 1/8	9	9	- 3/4
Pathe Film	10	9 1/4	9 3/4	- 5/8
RKO	1 5/8	1 5/8	1 5/8	- 1/8
20th Century-Fox	18 1/4	17 1/2	17 5/8	- 3/8
20th Century-Fox pfd.	27 3/4	27 3/4	27 3/4	0
Univ. Pict. pfd.	55	55	55	- 5
Warner Bros.	4 1/2	4 1/4	4 1/4	- 1/8
do pfd.	51	50	51	- 2 1/2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46			
Loew's deb. 3 1/2s46	103 1/8	103 1/8	103 1/8
Para. B'way 3s55			
Para. Picts. 6s55			
Para. Picts. cv. 3 1/4s47	90 3/4	90 1/2	90 1/2
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48			

NEW YORK CURB MARKET

Monogram Picts.	1 1/2	1 1/2	1 1/2
Sonotone Corp.			
Technicolor	15	14 3/4	14 3/4
Trans-Lux			
Universal Corp. vtc.	3 5/8	3 1/2	3 5/8
Univrsal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/4	4 3/4
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	70	72
Roxy Thea. Bldg. 4s 1st '57	63 1/4	65 1/4

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Screen Publicists Demand 100 Per Cent Guild Shop

West Coast Bureau of THE FILM DAILY

Hollywood — Screen Publicists' Guild has given producers until Thursday to agree to a contract providing 100 per cent Guild shop and suitable severance pay. Testifying at NLRB hearing of charges that majors producers have violated Wagner Act in their asserted refusal to bargain with Guild, B. B. Kahane, vice-president of Columbia Studios, said that major producers felt that the Guild's demands were unreasonable and if producers accepted them it would be tantamount to turning the complete control of studios to the writers. He declared that action of Leonard Janosky, attorney for the Guild in walking out of the meeting with the producers' committee shortly before the collective bargaining election in which the Guild was chosen as sole bargaining agent for writers, was awkward, Kahane contending that the committee and Guild representatives were getting along on their negotiations.

K. Lee Williams Shifting Managers in Okla. Circuit

Oklahoma City—Permanent shifting of managers in the K. Lee Williams Theaters, Inc. circuit has been announced by General Manager K. Lee Williams. Gerry Doig, manager at Nashville, Ark., has been named manager at Fordyce. Bill Frazier, now manager at Ashdown, will be the new manager at Broken Bow, Okla. and Jewel Callahan, assistant manager at Broken Bow has been moved to Ashdown as city manager.

Cecil Callahan joins the new organization as manager at Nashville, having been assistant manager at Frederick, Okla. for the Griffith Amusement Company for a number of years.

The first managers' meeting will be held this week in DeQueen, Ark. and will be held each following month in a different town.

Illinois Allied's Relief Fund Has \$2,256 on Hand

Chicago—Relief fund set up by Allied Theaters of Illinois for picture people who are unemployed or in need has a balance of \$2,256.17. President Jack Kirsch announced last week. Since the fund was established, \$1,140.94 has been distributed. The fund was established after the Jack Kirsch Testimonial Dinner when \$2,850.28 was raised. Three other dinners have added money to the treasury.

Third Week of "Name Only" Tops Second at Music Hall

"In Name Only" for the first four days of its third week at the Radio City Music Hall (Thursday, Friday, Saturday and Sunday) topped the same period of the second week in gross by a considerable margin. The first four days of the third were close in total receipts to the first four of the initial week's run.

Jos. Cantor Has 5-Theater Circuit in Indianapolis

Indianapolis—Joseph Cantor yesterday announced a new circuit of five theaters in this city with the purchase of long-term leases of the Parker and Golden Theaters. He operates the Rivoli and Emerson Theaters, while several months ago he acquired the Garrick which will be reopened in September under the name of the Esquire Theater.

The Golden was leased from Herman Golden who built the house in 1937. It will be renamed the Arlington. The Parker was leased from Ben Mansfield who operated the house until Cantor leased it.

Cantor will be president of the new circuit, with Leonard Cantor as secretary - treasurer and general manager.

Cantor came to Indianapolis in 1932 as branch manager for United Artists, and before that was special representative for Universal.

Expect Hearing on RKO Stock Flotation Early Next Week

Hearings, ordered to be held by Federal Judge William Bondy before Special Master George W. Alger on the question of the underwriting of the new RKO Corp.'s common stock flotation, will probably commence early next week in the wake of the expected opinion of SEC which is due on Aug. 28, according to the opinion expressed yesterday by observers.

Latter also assert that the agreement of Aug. 3 between Atlas and RKO whereby the latter will make offer, on or before Aug. 29, to creditors and Rockefeller Center on the 375,000 shares at \$4 per share may be extended, although technically this agreement, because of an applicable clause, does not expire on that date.

B & K Directors to Hold Dividend Meeting in N. Y.

Chicago—Balaban & Katz directors will meet in New York City next month to declare the regular \$1.75 quarterly dividend on the preferred stock of the company, due September 30. As yet no word has been received on what action will be taken on the Common dividend. Report that balance of the preferred stock of the company will be called at 110, has not been confirmed by Chicago officials.

Republic Renews With Tropical Films, Cuba

Expressing himself as well pleased with the progress of Republic Pictures in Cuba, Morris Goodman, vice-president in charge of foreign sales, announced that he had extended for another year the distribution deal with Tropical Films of Havana, Cuba, for the company's entire 1938-39 program of features and westerns, and the group of four serials.

COMING AND GOING

GEORGE J. SCHAEFER and S. BARRETT CORMICK have delayed their return to New York from Hollywood until the latter part of this week.

SAM ZIMBALIST, Metro producer, leaves New York tomorrow for Hollywood after a 10-day vacation here.

MAUREEN O'SULLIVAN arrives here this morning from Hollywood en route to London. Sister O'SULLIVAN, her sister, is accompanying her.

J. H. HOFFBERG leaves Hollywood this week for San Francisco as the first stop in a swing through the Northwest that will bring him back to New York.

HARRY M. BESSEY, Altec secretary and treasurer, has returned to New York after a trip through New England.

MRS. FANCHON MARCO and SIMON WOLFE, directors of the Fanchon & Marco dancing girls, are stopping at the Waldorf Towers.

ALICE FAYE and TONY MARTIN arrived in New York yesterday from Hollywood for a vacation.

SID RECHETNIK, Warner publicist, has returned to his desk following a vacation.

RUTH GORDON leaves New York tomorrow for Hollywood to take the role of Mary Todd Lincoln in the RKO production "Abe Lincoln in Illinois."

ADOLPHE MENJOU arrived from the Coast yesterday for a vacation here.

WILLIAM HOLDEN, star of Columbia's "Golden Boy" gets in from Hollywood this morning to attend the Music Hall opening of the picture.

VERA ZORINA arrives here Thursday morning from Hollywood having completed her role in Warners' "On Your Toes."

ROBERT T. KANE arrives from England today on the Ile de France.

W. W. SULLIVAN, manager for 20th-Fox in Panama, returns to his headquarters there at the end of this month after a combined vacation and business trip to New York.

LOTHAR WOLFF, film editor of the Marx Bros. Time, is en route to Europe on the Channel.

G. MOHME, manager for 20th-Fox in Mexico, arrives in New York the latter part of this week from Mexico City.

J. V. O'GARA, manager for 20th-Fox in Trinidad, is in New York.

J. P. MASTER, of the Crescent Amusement Co., Lexington, Ky., and CARY GRANT, well known visitors at the RKO Lounge last week.

JOHN CASSIDY, of the RKO Theaters publicity department, leaves today on a West Indies cruise.

Isaac Weiner Dies

Philadelphia—Isaac Weiner, father of Harry Weiner, branch manager for Columbia Pictures here, died Saturday, and was buried yesterday in Montefiore cemetery.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 22

Samuel Goldwyn
Charles Garrett

Warner Bros. are happy to announce that

"THE OLD MAID"

has broken all first week records at the New York Strand; that in the first four days of the second week the record-breaking pace continues, receipts coming within two thousand dollars of the first week's mark; and that in its first out-of-town engagements – Washington, Atlantic City and Bridgeport – it has beaten "Dodge City" and "Dark Victory", the top grossers of last season

JACK L. WARNER
In Charge of Production

HAL B. WALLIS
Executive Producer

HENRY BLANKE
Associate Producer



TRADE CODE STATUS IS "UP IN THE AIR"

(Continued from Page 1)

The attorneys reached no decision but another meeting to be held this week was scheduled.

While it was learned that the distributors believe that a method of settling clearance disputes is a definite necessity, an arbitration system as proposed in the Code will not be attempted, inasmuch as Assistant Attorney General Thurman Arnold has indirectly warned against its adoption.

Printed reports to the effect that the attorneys would meet with Justice Department officials were without basis of fact, a major company counsel said last night. No meetings with the Department have been scheduled or contemplated, he said.

The distributors, the counsel declared, will make every effort to keep the Code alive. "We hate to see 15 months of hard work thrown in the waste basket," he said.

Modification of Delaware Blue Laws Held Possible

(Continued from Page 1)

tors favored changes to bring the law within the scope of modern life.

Governor McMullen, who recently vetoed a bill providing for a Sunday movie referendum in Wilmington, said that strict enforcement of the Sunday law would precipitate "a serious situation."

Members of the General Assembly offered no comment on the ultimatum by Attorney General James R. Morford that the legislature repeal or modernize the blue law, or the police agencies in the state would proceed to enforce the law as it is written.

Legislators said there undoubtedly will be conferences when the General Assembly reconvenes on Thursday.

GN Stockholders Approve Amended Felt & Co. Plan

(Continued from Page 1)

\$1,000,000 available to the distributing company. While the Felt deal is subject to the consummation of the RFC loan, arrangements have been made whereby the Felt money will be available within 48 hours after GN receives the Government loan.

Plan B & K Outing

Chicago—President Roy MacMullen of the B & K Employees Association, says the annual golf tournament of the association will be held next month. A committee will select the club grounds to be used and set the date for the outing.

Tsk-Tsk!

Manchester, N. H.—If the telephone company starts giving out a lot of wrong numbers to the Empire Theater here, this double billing might be the reason:
"Alexander Graham Bell"
"Almost a Gentleman"

ALONG THE



WITH PHIL M. DALY

● ● ● WITH the Fiftieth Anniversary of the industry being brought to his attention.....started old Uncle Bert Martin reminiscing.....Uncle Bert is retired from show biz and celebrating his eightieth birthday at Castle Gate, Utah.....

● ● ● OF THOSE eighty years, Uncle Bert spent sixty-three of 'em in show biz.....he bought his first motion picture machine and films from the Thomas A. Edison Company at Newark on Nov. 16, 1899.....he opened his show shop at Deadwood, South Dakota, and remained there until May, 1901.....when he signed a contract to go to Nome, Alaska, to sing illustrated songs and present motion pictures in the Hub Saloon at \$150 a week.....he was the first and only film showman in that territory at that time.....finally Uncle Bert came back to Deadwood, and wound up with a circuit reaching from Duluth to Spokane.....this old-timer recalls among other quaint oddities that in those early days all the films, which did not exceed 125 feet, were run through the Edison Exhibition Model Sterio (cost, \$115) into a bag tacked on the side of the table.....no title or any wording was on any of the subjects in those days.....the showman lectured, or told the story, first announcing the name of the picture.....Uncle Bert also had 40 illustrated songs that he personally sang.....at eighty he is in the best of health, and keeps posted on everything of interest in the showman end of the film biz.....

● ● ● THEY had faith in their town's bright youngster.....a handful of town boosters of Scranton, Pa.....and that's the reason a new starlet is now zooming up on the film horizon.....Gloria Jean.....so the lads with faith in this 11-year-old kid financed an audition for Gloria Jean in New York last December.....resulting in Joe "Picker" Pasternak signing her to a long-term contract the moment he heard her sing.....Joe says he has another surefire Deanna Durbin.....we'll tell you more about that after we see the li'l gal's first picture, "The Under-Pup," premiered in Scranton Thursday eve before a bunch of crits invited by Pasternak from all parts of the Youessay.....

● ● ● LOOKS like Warners' "Old Maid" will be one of the biggest grossers of the year.....according to the way it is chalking up B.O. marks at the Strand in New York.....the Warner in Bridgeport.....the Warner in Atlantic City.....the Earle in Washington.....and the State in Waterbury.....these are all pre-release engagements.....the pic hits the national release chute on Sept. 2 for what looks like a sensational splash.....

● ● ● HE BACKED his faith with his cash.....Manager Frank Weatherford of the Worth theater at Fort Worth, Tex.....when he sent a check for ten cents on "The Bachelor Mother Account" to 1,000 persons on his mailing list.....in a letter accompanying the check, Weatherford said: "It isn't often that a theater manager wholeheartedly endorses a picture. But I want to say that 'Bachelor Mother' is the smartest, most sophisticated and amusing comedy I have had the pleasure of screening in years.".....

« « «

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FRENCH, ENG. FILMS DOMINATE IN SPAIN

(Continued from Page 1)

aganda bureau, who is in New York, Vinolas told THE FILM DAILY that the majority of the pictures not shown in Spain are from England and France.

The American newsreels, Vinolas said, refused to give as much footage to the Nationalists' activities as they did to the Loyalists, indicating that there was some resentment at this attitude. However, American pictures are still favored, he added, and the Government in Spain is hopeful for a satisfactory agreement whereby distributors over here will renew their Spanish business.

The Spanish market, Vinolas asserted, is open to all U. S. distributors. The Government is ready to advance money to Spanish distributors for the purchase of American pictures, although no agreement has been reached as to how, if at all, money can be taken out of the country.

There are approximately 10 studios in Spain and all of them escaped damage during the war. One company already has started production and others will begin when improved equipment has been purchased, Vinolas said.

Admission Taxes in July Up \$42,989.40 Over June

(Continued from Page 1)

collections were reported at \$1,534,249.77 compared to \$1,491,260.37 for June. A decrease of \$84,563.23 compared to July, 1938, was recorded, however. The figure for July of last year was \$1,618,813. Broadway figure was reported as \$397,415.64 compared to \$457,258.12 in June, 1939, for a drop of \$59,842.48. The July Broadway figure is also \$284,029.96 less than the \$681,445.60 collected in the Broadway area for July, 1938.

WEDDING BELLS

Garfield, N. J. — Johnny Weissmuller, screen and swimming star, married Beryl Scott, of San Francisco, early Sunday morning.

Some 20 persons, mostly Weissmuller's fellow performers at the Aquacade at the New York World's Fair, attended the ceremony here which was performed by Mayor John N. Gabriel.

Del Monte—Brian Aherne, British stage and screen actor, and Joan Fontaine, Hollywood film luminary, were married here on Sunday in St. John's Episcopal Chapel by the Rev. Theodore Bell.

The bride was attended by her sister, Olivia de Havilland, motion picture actress. Louis D. Lighton of Bellaire, Calif., was best man.

Lawrence Shubert Lawrence, son of the managing director of Shubert Theaters in Phila., will be married this week.

THANK YOU, Mr. Exhibitor...

Thank you for creating the
"EXHIBITORS' SPONSORED TESTIMONIAL
to NEW UNIVERSAL!"



FOR the first time in the history of the motion picture industry, exhibitors have chosen to honor a producing and distributing company with the sponsorship of a booking drive!

— We are proud and happy to have earned such faith!

Thank you, Mr. Spyros Skouras, for undertaking the National Chairmanship for the Drive.

Thank you, Mr. Morton Singer, for volunteering as Chairman of the Mid-West Section!

Thank you, Mr. N. L. Nathanson, for taking over the duties of Canadian Chairman!

We know that words alone can never fully express our appreciation, but you are all showmen and understand the language of BIG PICTURES.

HERE, on the following pages are listed BIG PICTURES and their approximate release dates, that will be and are ready for you during

THE "EXHIBITORS' SPONSORED TESTIMONIAL TO NEW UNIVERSAL"
FOR AUGUST • SEPTEMBER AND OCTOBER

Here is a Partial List
of the Hundreds of
Exhibitors Participat-
ing in This Tribute!

Max and Joe Levenson; C. H. Buckley; Larry Herman and R. E. Snider; E. M. Fay; Harry Seitz; E. D. Heins; Fred Green; Nate Yamins; Robert Levine; Martin R. Toohey; Eddie Ansin and Harold Stoneman; John H. Harris; Morton G. Thalhimier and Sam Bendheim, Jr.; Joseph S. Pizzetto; John Nolan; L. J. Langlois; Bill Jenkins; R. E. Moon; Leo L. Ward; Alex Gounares; Albert Magnuson; R. G. Peltier; C. C. Perry; H. J. Longacre; Carl W. Buermele; Ted Gamble; Jules J. Rubens; William Brandt. T. C. Baker; Morgan A. Walsh; Irving Carlin; E. C. Rhoden; John Hamrick; Ned

Edris; William Rosenthal; Ralph D. Goldberg; E. C. Beatty; Tom Gorman; B. F. Shearer; Ed Markell; J. L. Schonberger; Jack Rose;

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

SHE LIVED ON THE BACK STREET of LOVE

(Here's a Selling Line That IS EXCIT-
ING Every Woman in the Country!)

Universal Gives You the
Greatest Box-office Team
of the Year - Directed by
JOHN M. STAHL
who Directed
"Magnificent Obsession"
and "Only Yesterday"

Irene **DUNNE** Charles **BOYER**
in

WHEN TOMORROW COMES

with

BARBARA O'NEIL ONSLOW STEVENS NYDIA WESTMAN FRITZ FELD

A JOHN M. STAHL production

Screenplay by Dwight Taylor

Based on a story by James M. Cain

Produced and Directed by John M. Stahl

NOW AVAILABLE -
and cracking house records
all over the country!

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

THE UNIVERSAL STAR-FINDERS DO IT AGAIN!

An Amazing New Per-
sonality Presented to Your Box-Office...

Insured by a Splendid Human Production...Crowded
with Favorite Screen Names backed by one of the
biggest promotional campaigns ever
put behind a new star!

A JOE PASTERNAK
PRODUCTION



Robert
CUMMINGS
Nan **GREY**
and
Gloria **JEAN**

in The **UNDER-PUP**

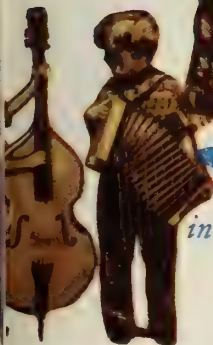
(There's One in Every Family)

with Beulah Bondi • Virginia Weidler • Margaret Lindsay
C. Aubrey Smith • Billy Gilbert • Ann Gillis
Raymond Walburn • Paul Cavanaugh • Samuel S. Hinds

Original story by I. A. R. Wylie • Screenplay by Grover Jones

Directed by Richard Wallace

READY FOR YOU
SEPT. 1ST



EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

DRAMA FROM THE ROOT OF LIFE . . .

YOUTH TURNING TO THE SWIFT CALL OF ADVENTURE

AND THE HEART-CALL OF LOYALTY!



TWO BRIGHT BOYS

Starring

Jackie

Freddie

COOPER • BARTHOLOMEW

with

ALAN DINEHART • MELVILLE COOPER

DOROTHY PETERSON • J. M. KERRIGAN

Directed by Joseph Santley Associate Producer, Burt Kelly

FOR RELEASE
SEPT. 8TH

EXHIBITORS SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER



Love and the Glamour of Paris — Trans-
forming a Vengeful Flame to Hatred
and Death in a Tropic Penal Hell!



Basil

RATHBONE and **McLAGLEN**

Victor

R

I

O

with
SIGRID GURIE
ROBERT CUMMINGS
LEO CARRILLO

FOR RELEASE
SEPT. 22ND

Directed by
John Brahm

EXHIBITORS SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

Deanna
DURBIN



**ALL AMERICA is Waiting
For This Moment!**

Deanna falls in love—her
glorious voice finds new inspira-
tion in romance! Millions
of fans eagerly await Deanna



FIRST LOVE

with Helen Parrish, Robert Stack, Eugene Pallette, Lewis Howard,
Leatrice Joy, Marsha May Jones, Charles Coleman and other favorites

Produced by

JOE PASTERNAK

Directed by

HENRY KOSTER

**FOR RELEASE
SEPT. 29TH**

EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

TOWER of LONDON



From Grim Pages
Long Hidden by Time
... Storms the Grip-
ping Drama of the
Most Gruesome —
Most Fascinating —
Character in History!

Starring

Basil RATHBONE

with BORIS KARLOFF, IAN HUNTER, NAN GREY,
BARBARA O'NEIL, JOHN SUTTON, VINCENT PRICE

a **ROWLAND V. LEE** production

Produced and Directed by Rowland V. Lee



FOR RELEASE
OCT. 6TH

The FIRST of the FAMOUS PRODUCTIONS from HARRY EDINGTON for UNIVERSAL!

BACKED by tremendous star power, an important new producer brings you a picture aimed straight at your box-office... The cast—crowded with talent and popular appeal... The story—a dynamic, swiftly-paced romance set in the strangest, most dangerous country on earth!



JOHN HOWARD



ALAN HALE



GEO. BANCROFT



VINCENT PRICE



DOUGLAS
FAIRBANKS Jr.

and

JOAN BENNETT

in

GREEN HELL

with

JOHN HOWARD ALAN HALE GEORGE BANCROFT

GEORGE SANDERS • VINCENT PRICE

A JAMES WHALE production

Produced and directed
by JAMES WHALE

FOR RELEASE

OCT. 20TH

EXHIBITORS SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

SHOWMANSHIP--Two names
that will ignite the hearts
of romantic America! . . .

Another Pasternak Sensation!



Hesitant Jimmy,
glamorous Marlene,
make every moment a
glowing one as they
run the gauntlet of
true love to happiness!



Marlene

James

DIETRICH and STEWART

in **D**ESTRY RIDES AGAIN

with **Charles Winninger • Mischa Auer • Brian Donlevy**

a Joe Pasternak Production directed by George Marshall

FOR RELEASE
OCT. 27TH



EXHIBITORS' SPONSORED TESTIMONIAL PICTURES DELIVERED
BY UNIVERSAL IN AUGUST, SEPTEMBER AND OCTOBER

To Round Out the
BIG PICTURE
Schedule Made
Ready for
You During
August, Sep-
tember and
October!

MUTINY on the BLACKHAWK

Richard ARLEN and Andy DEVINE

*in the first of the series of the grandest action
pictures Universal has ever produced*

Backed by a swell cast with **CONSTANCE MOORE, NOAH BEERY,**
GUINN "BIG BOY" WILLIAMS and others.

Produced by Ben Pivar • Directed by Christy Cabanne

Released
Sept. 1



DESPERATE TRAILS

*Rip-Roaring, Pulse-Stopping Adventure with the Greatest
Out-Door Team of the Year*

JOHNNY MACK BROWN

BOB BAKER and FUZZY KNIGHT

Released
Sept. 8

Produced and Directed by Albert Ray



HAWAIIAN NIGHTS

Breathless Romance of Swing-Mad Youth Set to the Alluring Tempo of the Hula

with **JOHNNY DOWNS MARY CARLISLE CONSTANCE MOORE**

MATTY MALNECK and His Orchestra

EDDIE QUILLAN THURSTON HALL SAMUEL S. HINDS ETIENNE GIRARDOT

Max Golden, Associate Producer

Directed by Albert S. Rogell

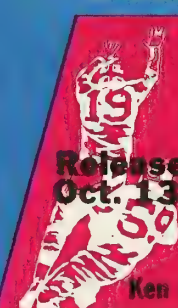
Released Sept. 15



HERO FOR A DAY

*Timely as the headlines on tomorrow's sports page!
Action on the gridiron! Love on the sidelines!
A Laugh Touchdown*

Released
Oct. 13



ANITA LOUISE

DICK FORAN

CHARLEY GRAPEWIN

BERTON CHURCHILL

EMMA DUNN

Ken Goldsmith, Associate Director

Directed by Harold Young

TROPIC FURY

*A thousand dollar bill—torn in half—starts the strangest,
most exciting story ever lived or played, with*

Richard ARLEN

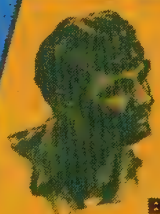
Andy DEVINE

BEVERLY ROBERTS, SAMUEL S. HINDS, LUPITA TOVAR

Produced by Ben Pivar

Directed by Christy Cabanne

Released Oct. 13



UNIVERSAL

Approved by Exhibitors as
"The Exhibitor Company!"

SOPHIE TUCKER WON'T APPEAR AT AEA TRIAL

(Continued from Page 1)

Following message to THE FILM DAILY:

"To keep the record straight, I offer to appear before the Equity Council with my attorney. Equity denied my request. Having been in the theater more than 30 years, I think I rate this courtesy as my career is at stake.

"Sophie Tucker."

It is expected that the Equity Council will proceed with the trial anyway, hearing the charges against Miss Tucker on her alleged treasonable actions in accepting an IA charter for the AFA following the AAAA revocation of the actors' union charter. Whether or not the Council will convict Miss Tucker on the charges without her making an appearance could not be learned. The Council can postpone the trial or hold it at will, and in the event the Council goes ahead it can also reserve its decision or announce it immediately.

In the monthly issue of the Equity magazine issued yesterday a strong appeal is made to Miss Tucker in an editorial, although her name is not mentioned, to resign from the AFA before the trial takes place.

Report AFL Working on Browne

Efforts of the A F of L execs. to avert any open hostilities in the theatrical field through an amicable settlement of the dispute were reported yesterday to be directed at George E. Browne, IATSE prexy, in an attempt to get him to surrender his charter to the AFA. It is expected that if Browne did this it would appease the AAAA sufficiently to enable peaceful negotiation of remaining differences, but it is not expected that Browne will do this.

Browne, at the Executive Council sessions in Atlantic City, pointed out that the AFA, without a home, would be ripe for encroachment by the CIO, and there is no reason to believe that he will relent in his stand and surrender the charter.

Although the opposing camps were comparatively quiet yesterday the AAAA took a further step in preparing for any fight that may arise when President Frank Gillmore announced that "we are making preparations for any eventuality" and disclosed that a steering committee with plenary powers had been appointed.

Steering Committee Members

Members of the committee include Paul Dulzell, Florence Marston, Leo Fischer, Emily Holt, who will serve alternately with George Heller, and Maida Reade, with Gillmore, Paul Turner and Henry Jaffe serving as ex-officio members of the committee.

A resolution was passed by the committee which directed all AAAA member unions to appoint similar committees with plenary powers to work in conjunction with the steering committee, with a further statement that no action shall be taken by member branches or individual mem-

Continue Boston Ushers' Strike Parleys

Boston—M & P and IATSE troubles were aired yesterday before Massachusetts Labor Board. No decision was forthcoming and second meeting was scheduled for today. State authorities may rule that a vote be taken at the eleven striking theaters to decide the Local 84 rights to represent ushers under provisions that 51 per cent or more may bargain for the whole.

Scranton Getting Ready To Honor "U's" Young Star

(Continued from Page 1)

been phenomenal. Eight months ago she was an unheard-of girl with only an unfulfilled ambition. An audition in New York last December revealed a reportedly remarkable voice which won her a Universal contract and Joe Pasternak, her producer, decided to give her a royal homecoming by holding the world premiere in Scranton.

Scranton is sending Gloria Jean's 26 classmates down to New York to meet the girl when she arrives in Pennsylvania Station—just to be certain, Mayor Huester said, that Gloria Jean's arrival isn't passed by in that busy city.

Thursday has been declared "Gloria Jean Day" in Scranton. Already banners have been strung across Lackawanna Avenue. The American Legion band and all the other bands in town are holding daily rehearsals for the big parade that will greet Gloria Jean upon her arrival Thursday afternoon.

Miners have fashioned a throne of anthracite, and Gloria Jean will be crowned "Queen of Anthracite" on the steps of City Hall. Street car lines have been rerouted for the celebration. There will be confetti-firing, fireworks, more ump-pah music and searchlights sweeping the murky skies over Scranton in typical Hollywood fashion Thursday night, when the premiere of "The Under-Pup" is staged at the local Strand Theater.

Scranton has developed more glamour in the last week than in the last twenty years of its history. Gloria Jean's success in Hollywood has encouraged everyone here to dream about stardom for themselves, and in the mines, mills, stores, offices and homes of the city there are countless Gables, Boyers, Irene Dunes and Deanna Durbins going about their prosaic tasks.

Finish "Bluebird" Script

West Coast Bureau of THE FILM DAILY

Hollywood—Walter Bullock and Ernest Pascal have completed the screenplay of "The Bluebird," which will star Shirley Temple. "Lady Jane," which will be Shirley Temple's following picture, was also screenplayed by Bullock.

bers without the consent of the steering committee.

A complete report of the whole situation for distribution to all members of the AAAA, probably by the latter part of this week, was also authorized by the committee. Meeting of the SAG was scheduled to take place in Hollywood with Ken Thomson and Edward Arnold returning to the Coast Sunday to attend.

Orphans Guests of Para. At "Star Maker" Preview

(Continued from Page 1)

American cities to Hollywood where they will be entertained lavishly during the week.

Among the film notables attending the premiere last night were: Bing Crosby, Louise Campbell, Horace MacMahon, Arthur Hornblow, Jr., Myrna Loy, Robert Taylor, Barbara Stanwyck, Linda Ware, Ned Sparks, Laura Hope Crews, Charles Rogers, Edgar Bergen, Joel McCrea, Frances Dee, Fay Bainter, John Garfield, Mischa Auer, Andy Devine, Robert Florey, Mark Sandrich, Dr. A. H. Giannini, Paulette Goddard, Henry Herzbrun, Douglas Fairbanks, Jr., Fred MacMurray, Patricia Morison, Jack Benny, Mary Livingston, Ellen Drew, Evelyn Keyes and Olympe Bradna.

Coincident with the Hollywood premiere, film critics of New York newspapers and news syndicates together with reviewers of the industry's trade press witnessed a special preview of "The Star Maker" at the local Paramount Theater. The performance was preceded by a dinner tendered to the invited guests at the International Casino.

A capacity audience gave the picture an enthusiastic reception. Lobby comment indicated that the attraction will grab heavy box office revenue.

Vote Within Thirty Days on Studio Bargaining Agent

West Coast Bureau of THE FILM DAILY

Hollywood—Tentative agreement was reached between Attorney Charles J. Katz, representing the United Studio Technicians' Guild, and Attorney Joseph Padway, representing the IATSE, whereby an election will be held within 30 days to decide whether the USTG or the IATSE is to be sole bargaining representative for studio workers.

All studio workers employed between Oct. 1, 1938 and June 1, 1939 are eligible to vote.

Takes Glastonbury House

Glastonbury, Conn.—Mrs. Nathan Lampert has acquired the 550-seat Glastonbury Theater, formerly operated by the Lampert circuit, and will operate it individually, with Maurice Kempner as manager.

Fairmont Adds One

New Haven—Fairmont Amusement Co., an Al Pickus corporation, has taken over operation of the Annex Theater, which has been closed for reseating and renovation. The house will reopen as the 403-seat Fairmont Theater on September 10.

GFD WILL RELEASE FOR NEW BRIT. FIRM

(Continued from Page 1)

A. J. Rank, while the directors include C. M. Woolf, Zoltan Korda, Harrington Gain and Harold Boxall. Zoltan Korda and Josef Somlo will be in charge of production at the Denham studios.

First Legeran production will be "King's Messenger," starring Ralph Richardson who will again appear as Major Hammond, the secret service agent of "Q Planes." Tim Whelan, who directed "Q Planes" and "The Divorce of Lady X," will direct "King's Messenger."

Second picture will bring back to the screen Bruce Bairnsfather's wartime character of Old Bill, which also will be the title of the picture. Bairnsfather has written an original screen story and has given Old Bill a grown up son. Ian Dalrymple, who scenarized "Pygmalion" and "The Citadel," will direct "Old Bill," his first directorial assignment.

Michael Powell has been chosen to direct Legeran's third feature, "The Conjuror," which A. E. W. Mason, author of "Four Feathers," has written directly for the screen.

TMAT Petition Before SLRB At Slated Hearing Tomorrow

Formal hearing of the petition filed by the Theatrical Managers, Agents and Treasurers' union for recognition as the bargaining agent for the men under its jurisdiction employed by the Liberty Theater, owned by Helgus, Inc., assertedly a Brandt affiliate, will be held tomorrow morning before the New York State Labor Relations Board.

Meanwhile, picketing was continued by the union at the 16 houses of the Nelson-Renner-Endicott Circuit in Brooklyn which the union has struck in protest over the discharge of one of the chain's managers. Union asks that the discharged man be re-employed and the union be recognized.

Hoffberg Sets West Coast Contract for Distribution

West Coast Bureau of THE FILM DAILY

Hollywood—Deal was closed here at the week-end by J. H. Hoffberg, president of the distributing corporation of the same name, with Sam Nathanson, general sales manager of Coast Pictures Corp., to handle Hoffberg's entire product-lineup in Southern California and Arizona. Coast Pictures was recently organized by Nathanson, formerly with Columbia, Maurice L. Fischer and Irwin E. Meyer.

Hoffberg, who goes to San Francisco this week, told THE FILM DAILY that in his opinion there is no profitable market for ordinary foreign pictures in this territory, but unusual pictures can be sold by exhibitors. He predicted a turn for the better in theater business shortly as the new season is just now getting under way.

U. S. MAJORS BOOST BRITISH-MADE PIX

(Continued from Page 1)

year had four British films made for quota in conjunction with Irving Asher, will double the number in 1940. This numerical increase in schedule will be attended, Cohn declares, by Jean Arthur and Cary Grant appearing in features here. Additionally, other talent from Hollywood is being contemplated.

Wesley Ruggles, Cohn added, is the probable director of the Arthur-Grant opus.

Virtually coincident with the Columbia plan for expansion in the U.K. Ralph Hanbury announced at RKO Radio's two-day convention that the company has decided to produce three top-flight features annually in British studios, in light of the success of "The Saint in London." Further crystallization of these plans awaits the return here of William Siström from the U. S. Reported intention of RKO Radio to make the trio of multiple-credit pix under the quota is interpreted as being in addition to those which are to come from the Leslie Howard-Walter Futter combine, and the pictures via Herbert Wilcox.

Barney Balaban is quoted here as having declared that he expects Paramount to have an even more ambitious program in Britain during 1940 than ever before, with an annual increase thereafter, and foresees the time when many of the greatest Paramount attractions will come out of British studios. He added that David Rose, company's head here, can have any story, talent or technical resource he sees fit to request from the Paramount lot in Hollywood.

H. M. Warner's visit to England for conferences with Sam Sax, organization's British production chief, is linked to expansion of present feature policy.

Robert T. Kane, British production head for 20th-Fox, is due to arrive in New York today for home office conferences on forthcoming product. Monte Banks, Kane's production executive, is already in the U. S. for preliminary huddles.

Twentieth Century-Fox' deep interest in British-U. S. production link is manifest by Darryl F. Zanuck's recent citation that every picture made in the company's Hollywood studios is written and shaped for British consumption, and that good films from the U. K. are highly acceptable to the American public.

Seek Reinstatement

Reinstatement proceedings will be instigated in Bronx County Supreme Court Thursday before Justice Benedict Dineen by Nathan H. Elman, attorney for Joseph Kimmel, in answer to the action of the Empire State Motion Picture Operators' union in ousting Kimmel from the union recently.

Pays \$5 to Hear Himself Sing

Extra, and unwanted, sound accompanied the finale of M-G-M's "Tarzan Finds a Son" at the Meserole Theater, Brooklyn, on Saturday night. So inspired with the pix was John Pimblett, film fan, that he rose in his balcony seat and raucously sang "Itty Bitty Fishes." The ushers demanded that he stop. Then Patrolman Herman Walker issued threat of arrest . . . but to no avail. The chanting fan ceased only because of lack of breath while grappling with the policeman who took him into custody. Pimblett admitted in court that the charge against him was accurate, and Magistrate D. Joseph d'Andrea fined him \$5 for disorderly conduct.

Einfeld Predicts Biggest Season from All Studios

(Continued from Page 1)

arrived in New York yesterday morning from the Coast aboard the 20th Century Limited.

This conclusion, he explained, is justified because each Coast lot is determined to put forth ace story properties, allocate adequate budgets, and make the features with care and enthusiasm.

Warners' new season lineup, he added, is geared to exceed in point of big pictures any program since company's inception.

Situation currently on the Burbank lot, said Einfeld, is highly satisfactory, a total of 17 features already having been completed, and several nearing that stage, which means that supply at this time is sufficient until late December.

Among the big pix ready are "Dust Be My Destiny," "A Child Is Born," "Gantry the Great," "The Roaring Twenties," "On Your Toes," "Private Lives of Elizabeth and Essex," "The Return of Dr. X," "Kid Nightingale," "City of Lost Men," "We Are Not Alone," and "Four Wives."

Warners is considering, Einfeld disclosed, elaborate plans for the world premiere of "Elizabeth and Essex" in London. The film will be backed in the U. S. by a \$250,000 national publicity-advertising campaign, as will "On Your Toes."

Jack L. Warner, vice-president in charge of production, is scheduled to arrive in New York from Burbank in about two weeks.

Picketing May Be Resumed At Springfield Paramount

Springfield, Mass.—The possibility that the Paramount Theater may be picketed again looms strong as two members of the TMAT refused to return to work under conditions of employment offered them by the Western Massachusetts Theaters, Inc. which operates the Paramount and other theaters here.

The men who refused to return were Ralph Krasnow, former assistant manager of the Arcade and Myles Gibbons, former chief of staff at the Paramount, who were invited back following informal settlement of a dispute between the TMAT and the theater company.

According to the two men, the conditions of their re-employment were far from satisfactory. Each was to be relieved of his assistant managership duties, and each was to be put back into uniform. While the hours and wages of their new jobs were not unsatisfactory both men declared that there were being demoted.

Blue Law Enforcement Showdown in Delaware

Wilmington, Del.—Enforcement of Delaware's ancient Sunday "blue law" approached a show-down when Attorney-General James R. Morford served notice that if the General Assembly does not immediately bring the 144-year-old statute within the scope of modern life, enforcement agencies will proceed to enforce it as it stands.

Morford explained his position in a letter to Caleb M. Wright, attorney for Charles S. Horn, proprietor of the Blue Hen Theater, Rehoboth Beach, who has been recently fined three times for opening the movie house on Sundays, after doing so weekly for four Summers without interference. Horn was content to pay his \$4 fine each Monday but police began tagging patrons at the box-office. Wright had objected in his letter to the singling out of movies in the enforcement of the Sabbath laws.

Urging repeal or amendment of the old law, Attorney-General Morford in a letter to Governor McMullen and the Legislature said:

"If the law were to be enforced it would result in arresting the driver of every truck using the highways on Sunday, the operator of every fruit and produce stand along our highways open on Sunday and the proprietor of every other place where any merchandise is exposed for sale at retail on Sunday.

"Frankly, I can see no reason why this section (the blue law) should not also apply to all of the restaurants, inns, and tea rooms along our highways where food, cigarettes, cigars, soft drinks, and the like are for sale and dispensed."

Co-Op. Theaters of Ohio Now Buying for 80 Houses

Cleveland—Co-operative Theaters of Ohio, operated by Milton A. Mooney and the only co-op in the state, is now buying and booking for approximately 80 houses Mooney reports, of which about half are serviced out of Cincinnati. Latest houses to come under the Mooney banner are L. B. Wilson's Liberty, Wilson and Broadway, Covington, Ky.; Louis Weithe's Bond Theater, Cincinnati, and the Kentucky and Derby theaters, Latonia, Ky.; William Morrison's new Globe Theater, North College Hill, a Cincinnati suburb; the New Holland Theater at Holland, O., operated by F. McQuay, and the Royal, Akron, owned by the late John G. Dietjen and now being operated by his son, Paul.

LETTERS

Mr. Chester B. Bahn,
Editor,
THE FILM DAILY,
Dear Chester:

Your editorial reiteration of a demand for the instituting Press Relations Bureau is very timely and expresses an urgent need.

Speaking not at all for the domestic field, with which I have nothing official to do, but for the foreign end of this business, I see such a Bureau filling an imperative need. Too many of our stars are permitted to make injudicious statements on occasions of arriving and departing; too much prejudicial news is permitted to creep into press despatches sent overseas; too many obviously propagandizing correspondents are permitted to enter our country in the guise of friends and to send out stories inimical to America's interests and to the interests of the film business.

Even the best-intentioned of our executives sometimes give out harmful stories, unintentionally of course, but harmful in the long run. As witness the case of certain executives a few months ago who, because they felt that the European market was shrinking to nothingness, boastfully gave forth the news that the difference would be made up by heavier exploitation of the Latin American market—as though they were suddenly discovering a new field of activity for the first time. Latin America, which has always contributed magnificently to America's coffers, naturally resented this "exploitation," hurling into our laps a lot of new defis, a sheaf of new decrees, and bringing down on our heads the full force of a very justifiable wrath.

This is but one instance of a costly mistake that the Press Relations Bureau would avoid.

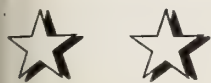
Please put me down as one who not only applauds such a project, but who will throw in his "tuppence" to help it along in whatever fashion he can.

Sincerely yours,
Foreign Publicity Director
of a Major Company.

Dunlap Leaves This Week For Mono. Board Meeting

Scott R. Dunlap, Monogram production head, will leave Hollywood for New York Thursday to attend the regular board of directors meeting.

Dunlap will remain in the east for several weeks after the meeting to discuss the new 1939-40 schedule with W. Ray Johnston, president. Immediately upon his return, "Mr. Wong at Headquarters" starring Boris Karloff will go into production.



REVIEWS OF THE NEW FILMS



"Nurse Edith Cavell"

RKO-Radio 95 Mins.
POWERFUL DRAMA OF FAMOUS WAR
NURSE DISTINGUISHED BY SINCERE PER-
FORMANCE OF ANNA NEAGLE.

It is a powerful, dramatic picturization of the story of the World War heroine, whose every act is prompted by her love of humanity, but who was executed by the Germans on charges of having returned escaped prisoners to German enemies. It is a factual action, and its gripping, stirring production reflects much credit on Herbert Wilcox, who served as producer and director. Anna Neagle, enacts the title role and endows it with dignity and sincerity. Others in the prominent cast, and who all do fine work are Edna May Oliver, May Robson, George Sanders and ZaSu Pitts. Among others who appear in lesser roles but who do splendid acting are Mary Howard, Robert Coote, Sophie Stewart, Henry Brandon, Lionel Royce, H. B. Warner, Lucien Prival, Martin Kosleck, Halliwell Hobbes, Fritz Leiber, Gui Ignon, Bert Roach, Gilbert Emery, Rex Downing, Gustav von Seyffertitz and Jimmy Butler. Michael Hogan fashioned a strong screenplay, full of suspense, based on the story by Capt. Reginald Berkeley. F. A. Young and Joseph August supplied high-grade photography. At the outbreak of the World War, Edith Cavell (Anna Neagle) is in charge of a nursing home in Brussels. She and Mme. Rappard (May Robson) help Mme. Rappard's grandson (Jimmy Butler) escape from the invading Germans. He flees to the border and is taken to Holland on a barge operated by Mme. Moulin (ZaSu Pitts). Nurse Edith Cavell, Mme. Rappard, Mme. Moulin and their good friend, Countess de Mavon (Edna May Oliver), have perfected a system whereby they smuggle poor, helpless escaped prisoners into Holland. However, Lieutenant Schulze (Henry Brandon) of the German forces poses as an escaped prisoner and gives the evidence which causes Edith Cavell to be tried before a German Military Court. Despite pleas and warnings that her execution would bring world wide condemnation of Germany, no leniency is shown her and the death penalty is carried out.

CAST: Anna Neagle, Edna May Oliver, George Sanders, May Robson, ZaSu Pitts, H. B. Warner, Sophie Stewart, Mary Howard, Robert Coote, Martin Kosleck, Gui Ignon, Lionel Royce, Jimmy Butler, Rex Downing, Henry Brandon, Fritz Leiber, Gilbert Emery, Lucien Prival, Richard Deane, Bert Roach, Halliwell Hobbes, Ernst Deutsch, Egon Brecher, Will Kaufman, Gustav von Seyffertitz.

CREDITS: Producer, Herbert Wilcox; Director, Herbert Wilcox; Associate Producer, Merrill G. White; From story "Dawn" by Capt. Reginald Berkeley; Screenplay, Michael Hogan; Cameramen, F. A. Young, Joseph H. August; Special effects, Vernon L. Walker; Montage, Douglas Travers; Editor, Elmo Williams; Musical director, Anthony Collins; Art director, L. P. Williams.

DIRECTION, Excellent. PHOTOGRAPHY, Good.

372 Theaters In Ontario

Toronto—Ontario has added 18 theaters during the past year, bringing the total up to 372.

"These Glamour Girls"

with Lew Ayres and Lana Turner
M-G-M 78 Mins.
(HOLLYWOOD PREVIEW)

GRAND ENTERTAINMENT FOR ANY
THEATER AND ON ANY BILL; SHOULD
CLICK SOLIDLY.

"These Glamour Girls" combines good production by Sam Zimbalist, excellent direction by S. Sylvan Simon, and fine acting by the entire cast, to make this picture grand entertainment for any theater and on any bill. The parts played by Lew Ayres, Lana Turner, Marsha Hunt, Anita Louise and Tom Brown are particularly outstanding, although the rest of the cast including Jane Bryan, Richard Carlson, Ernest Truex, Owen Davis, Jr., Ann Rutherford, Mary Beth Hughes, Peter Hayes and Sumner Getchell contributed fine performances. The screen adaptation of the Jane Hall, Cosmopolitan Magazine story, by Jane Hall and Marion Parsonnet was treated with great care. Lew Ayres, son of a wealthy Wall Street broker, and his room-mates, Tom Brown and Owen Davis, Jr., visit New York for the weekend before their house party at college. The boys get stewed and visit a dime-a-dance palace. Ayres spots one of the hostesses, Lana Turner. He takes her home, and invites her down to the house party, although he has already invited Jane Bryan, his fiancée. Lana arrives and is introduced to the girls of society, and acting very lady-like steals the show from the sub-debs. Anita Louise, one of the upper-crust, takes every opportunity to make it unpleasant for Lana. Marsha Hunt, a little older than the other girls, has been coming to the house parties for five years, and is considered one of the hangers on. She overhears the conversation going on about her and makes an effort to get Tom Brown to marry her, while he is in a drunken stupor. He comes out of it just as they are about to be married, and refuses to go through with it. Marsha becomes despondent and is killed by a train when she purposely stalls her car on the tracks. Ayres's father is indicted for fraud during the weekend, and Ayres realizes that the world is not a place just to sit back and take it easy. He also realizes that he is in love with Lana, and what a swell girl she is.

CAST: Lew Ayres, Lana Turner, Tom Brown, Richard Carlson, Jane Bryan, Anita Louise, Marsha Hunt, Ann Rutherford, Mary Beth Hughes, Owen Davis, Jr., Ernest Truex, Sumner Getchell, Peter Hayes, Don Castle, Tom Collins.

CREDITS: Producer, Sam Zimbalist; Director, S. Sylvan Simon; Author, Jane Hall; Screenplay, Jane Hall and Marion Parsonnet; Cameraman, Alfred Gilks, ASC; Art Director, Cedric Gibbons; Associate, Harry McAfee; Editor, Harold F. Kress; Musical Score by Edward Ward and David Snell; Music and Lyrics by Edward Ward and Bob Wright-Chet Forrest; Vocal and Orchestral Arrangements, Wally Heglin.

DIRECTION, Excellent. PHOTOGRAPHY, Very Good.

Hickey Joins Mednikow

Chicago — Duke Hickey, former Universal exploiteer has joined Johnny Mednikow Exchange, to do special exploitation work on "When Germany Surrenders."

"Fifth Avenue Girl"

with Ginger Rogers, Walter Connolly, Tim Holt, Verree Teasdale

RKO 83 Mins.
SPARKLING COMEDY MAKES REFRESH-
ING SCREENFARE THAT WILL PLEASE
ANY TYPE OF AUDIENCE.

Witty, smartly paced and gay, here is entertainment for the whole family. The laughs are heavy and the performances are expert. Producer-director Gregory La Cava directs the film with a sure touch in exacting the right amount of comedy from every situation, and he has also endowed it with a fine production value. Ginger Rogers and Walter Connolly capably share the burden of the work and Verree Teasdale, Tim Holt, James Ellison, and Kathryn Adams support the principals expertly. The story is an old one, but it has been made enjoyable in the telling. Connolly, wealthy and beset with government and union troubles in his business, leaves his office for the day with a reminder from his secretary that it is his birthday. He arrives home to find his wife out with a playboy friend, his son is playing polo and his daughter has gone out with her friends. Lonely, he wanders into Central Park and bumps into our heroine, Miss Rogers. Her philosophy on life intrigues him and when he discovers she is out of a job he invites her out for the evening to help celebrate his birthday. They go to an expensive club and bump into his wife, Verree, who leaves in a huff. Connolly wakes up the next morning with a hangover, a black eye and his name in the gossip columns. He also discovers that Ginger has spent the night in one of the guest rooms. Discovering that his little spree and attentions to Ginger has at least caused his wife to become interested in what he is doing, he decides to keep Ginger at the house to try and bring his family back together again. Connolly neglects his business and Tim Holt, his son, is forced to do some work in the office. Verree decides she better stay home and try and hold on to her husband, and the daughter, Kathryn Adams, marries the chauffeur, Ellison, who has communistic tendencies until he gets married and goes into business for himself. Tim discovers that Ginger has just been working for his father and decides when the great unveiling scene takes place that she means too much to him to let her go. Verree decides to make beef stew for her husband again and everybody is happy.

CAST: Ginger Rogers, Walter Connolly, Verree Teasdale, Kathryn Adams, Tim Holt, James Ellison, Franklin Pangborn, Louis Calhern, Ferike Boros, Theodore von Eltz, Alexander D'Arcy.

CREDITS: Producer and Director, Gregory La Cava; Screenplay, Allan Scott; Cameraman, Robert de Grasse; Editors, William Hamilton and Robert Wise.

DIRECTION, Top-Notch. PHOTOGRAPHY, Fine.

Marlene Dietrich Arrives

Marlene Dietrich arrived on the Queen Mary yesterday on her way to Hollywood where she will star with James Stewart in a Universal picture, "Destry Rides Again."

"I Stole a Million"

with George Raft, Claire Trevor,
Dick Foran

Universal 80 Mins.
CRIME MELLER HAS PLENTY OF FAST
ACTION AND A CAPABLE CAST.

Setting a fast pace at the opening gun, this picture will hold the attention of audiences until it is over. It has action, melodrama, a human interest story and a good cast to put it over. George Raft and Claire Trevor handle the principal roles skillfully and Dick Foran is helpful. The rest of the cast is adequate and experienced. Raft, a taxi driver, gets in a row with the manager of a cab finance company over payments he has made on a new cab. He takes his own money, but faces arrest. He decides to make a break for it and escapes with a pair of handcuffs still dangling from one arm. A bum on a train tells him where he can get them taken off. However, he is made the stooge for a gang of crooks and is marked as a bank bandit when the gang escapes. He meets Claire and falls in love with her, wins enough money in a crap game to buy a garage in a small town upstate and their married life is happy for a year. The law finds out his whereabouts and he again becomes a fugitive. He misguidedly steals more and more money to protect his wife and baby. But Claire finally forces him to give himself up so that when he has served his sentence they can at least have some peace together.

CAST: George Raft, Claire Trevor, Dick Foran, Henry Armetta, Victor Jory, George Chandler, Irving Bacon, Tom Faddon, Robert Elliott, Joe Sawyer.

CREDITS: Associate Producer, Burt Kelly; Director, Frank Tuttle; Original Story, Lester Cole; Screenplay, Nathaniel West; Cameraman, M. Krasner; Editor, E. Curtis.

DIRECTION, Fast. PHOTOGRAPHY, Good.

"Port of Hate"

with Polly Ann Young, Kenneth Harlan,
Carleton Young

Times Pictures 57 Mins.

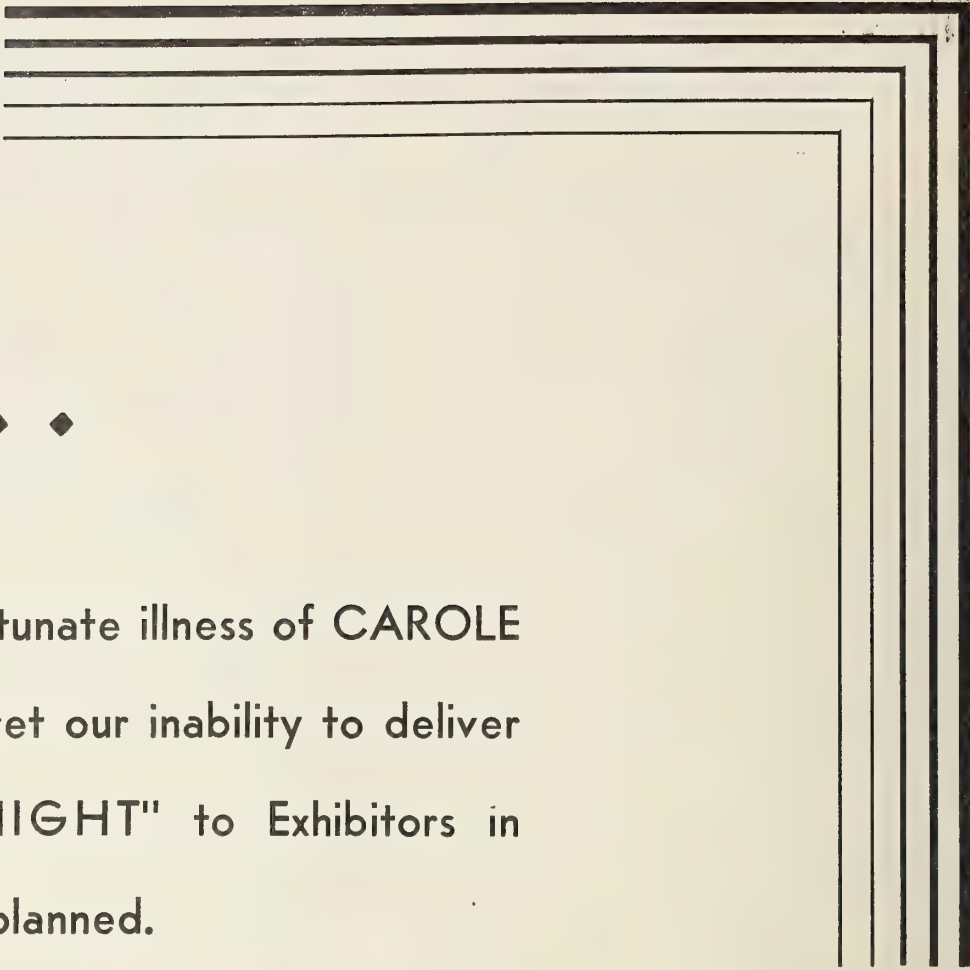
PROGRAM MELLER HAS ABLE CAST
AND ACTION IN TROPICAL SETTING.

This picture will fill program needs nicely with a capable cast making the most of an action story in the tropics. Polly Ann Young, Kenneth Harlan and Carleton Young headline the cast. Miss Young, a pearl buyer, runs afoul of the law when she is in a room where a murder is committed. Hunted by the police she is helped to escape by a Chinese friend. Later, living at a house belonging to Carleton Young, partner of the murdered man, she falls in love with him. However, he suspects her of the murder and it is not until the gang of poachers who hope to get his pearl beds are exposed that everything is straightened out.

CAST: Polly Ann Young, Kenneth Harlan, Carleton Young, Shia Jung, Monte Blue, Frank La Rue.

CREDITS: Director and Producer, Harry S. Webb; Screenplay, Joe O'Donnell; Cameraman, Edmund Kull; Editor, Bob Jahns.

DIRECTION, O. K. PHOTOGRAPHY, Fair.



Sorry...

Due to the unfortunate illness of CAROLE LOMBARD, we regret our inability to deliver "VIGIL IN THE NIGHT" to Exhibitors in October, as we had planned.

We are happy... however, to announce that MISS LOMBARD is recovering swiftly; that production will be resumed soon; and that "VIGIL IN THE NIGHT" will be delivered at the earliest possible date.



And to Carole... a speedy recovery ... and hurry back HOME . . .

RKO RADIO

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 37

NEW YORK, WEDNESDAY, AUGUST 23, 1939

TEN CENTS

Prospects for Peace Brighter in Actors-IATSE Wrangle COHEN CHARGES ALLIED TRIED TO WRECK N. Y. UNIT Brighter Business Outlook in Michigan is Reported

New Theater Construction in Upstate Mich. Nearing All-Time High

By H. F. REVES

FILM DAILY Staff Correspondent

Detroit—Local outlook in the film business has been decidedly more optimistic within the past month than it has been in a long time. Michigan's summer resort trade appears to be up to nearly normal, and in any case, so far above winter and spring business that it looks like prosperity, and this is reflected in attitude of other exhibitors generally.

Larger city houses outside of Detroit are still not up to normal,
(Continued on Page 9)

N. J. MEET TO DRAW NAT'L ALLIED HEADS

Annual Allied of New Jersey convention next month in Atlantic City is expected to take on the appearance of a national convention, it was reported yesterday. Because of the tense situation over the Government-rejected trade practice code, the pending trial of the equity suit and other important issues facing the in-

(Continued on Page 4)

Wall St. Circles Predict Pathe Laboratories Profit

A net operating profit for Pathe Laboratories during its first seven months of operation was forecast yesterday in Wall St. circles, and, in an analysis of the company offered by Josephthal & Co., a figure of \$95 per share is set as the book value of

(Continued on Page 4)

Gloria Jean Party Leaves Tomorrow for Scranton

With several score newspaper film critics from all parts of the country, trade paper men, fan magazine feature writers, New York news-

(Continued on Page 4)

Editorial

For a Press Relations Bureau

... some concrete examples why

By CHESTER B. BAHN

IN pleading the cause of a press relations bureau for the film industry the other day, it was suggested that such a bureau, among its other mutual services to press and film biz, properly might call to account those who break into print with destructive and false statements.

It should be unnecessary to say that the suggestion by no means cloaks a proposal for press censorship or news suppression. There is, however, an urgent need for the establishment of some agency qualified to curb those who make their columns a sounding

(Continued on Page 2)

2 CLAIMS MAY UPSET RECORDING COPYRIGHT

Monroe, La.—Two claims which, if they are upheld, may upset copyright privileges in connection with recording, motion pictures, and possibly broadcasting were made in Federal Judge Gaston Porterie's Court here yesterday as C. P. Bulis, at-

(Continued on Page 8)

Canadian Indies Want Voice In Setting Up Ruling Body

Toronto—Pointing out that independent exhibitors in Canada "lumped together have the greatest number of theaters in this country," J. O. Scott, chairman of the central

(Continued on Page 7)

FILM, TELE PROBLEMS FACE BRITISH GOV'T

London (By Cable)—Among the problems to come up in the House of Commons when Parliament resumes on Oct. 3 are several of paramount importance to the film industry, including quota, political censorship of films and the extension

(Continued on Page 4)

Television Makes its Bow Today in N. Y. Dept. Store

Intra-store system of wired television will make its bow as a regular service at Bloomingdale's department store, New York, today, fol-

(Continued on Page 9)

4A-IATSE Jurisdictional Settlement Possible by Richman's Surprise Move

Wis. Exhibitors Fear Tax Proposal May Hit Theaters

Madison, Wis.—Latest proposal in the state tax muddle here is that of Sen. Bernhard Gettelman, Milwaukee, which calls for a plan to raise

(Continued on Page 9)

Chance for a peaceful settlement of the intra-union jurisdictional dispute that threatens to cripple the film industry and legit. field loomed brighter last night following a surprise move by Harry Richman, AFA vice-prexy, in requesting the Equity Council to postpone Sophie Tucker's

(Continued on Page 7)

Allied Trying to Create New State Unit, Cohen Tells His Members

Charging national Allied with attempts to "wreck" the New York unit and to establish another unit which would bow to the wishes of the "inner circle," Max A. Cohen, president of New York Allied, in a 10-page statement to his members predicted that the continuance of national's tactics would "bring ruin to the cause of the independent exhibitor."

Supplementing his recent remarks at a trade press conference, Cohen took exception to Allied's reasons for expelling the New York unit, par-

(Continued on Page 8)

WAR THREAT HURTING ENGLISH BIZ--KANE

Stating that 20th-Fox will maintain its production schedule in England, calling for a minimum of eight for this season, with two in Technicolor, barring circumstances that may force a change in its program, Robert T. Kane, U. K. production head for the company, arrived in New York yes-

(Continued on Page 7)

N. S. Exhibs. Buying Pix In Face of Legislation

St. John, N. B.—Film contracts being sent out from exchanges here to exhibitors in Nova Scotia are coming back signed without exception. This, in spite of the protective clause embodied in each contract. By this clause, the exchanges

(Continued on Page 9)

FBI Detroit Probe May Be Preliminary to Film Suit

Washington Bureau of THE FILM DAILY
Washington—Chief G-Man J. Edgar Hoover admitted yesterday that FBI agents are conducting an in-

(Continued on Page 9)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 37 Wed., Aug. 23, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/2	11 1/2	11 1/2	+ 1/4
Col. Picts. vtc. (2 1/2%)	8 1/4	8	8	- 1/4
Columbia Picts. pfd.	22	22	22	- 2
Con. Fm. Ind.				
Con. Fm. Ind. pfd.				
East. Kodak	164 3/4	164 1/2	164 3/4	+ 1 1/4
do pfd.				
Gen. Th. Eq.	10	9 1/2	9 1/2	+ 1/4
Loew's, Inc.	42	40 5/8	42	+ 1 1/8
do pfd.	108 1/8	108 1/8	108 1/8	
Paramount	8 1/4	7 7/8	8 1/4	+ 1/4
Paramount 1st pfd.				
Paramount 2nd pfd.	9 3/8	9 3/8	9 3/8	+ 3/8
Pathe Film	10 3/8	9 1/4	10 1/4	+ 1/2
RKO	13 1/4	13	13 1/4	+ 1/8
20th Century-Fox	18	17 5/8	18	+ 3/8
20th Century-Fox pfd.	27 3/4	27 3/4	27 3/4	- 1/8
Univ. Pict. pfd.	60	55	60	+ 5
Warner Bros.	4 1/2	4 1/4	4 1/4	
do pfd.	52	52	52	+ 1

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 3/4	100 1/2	100 1/2	
Loew's deb. 3 1/2s46	102 7/8	102 7/8	102 7/8	- 1/4
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47				
RKO 6s41	67	67	67	- 2
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48				

NEW YORK CURB MARKET

Monogram Picts.	1 1/2	1 1/2	1 1/2	
Sonotone Corp.	13 3/8	13 3/8	13 3/8	
Technicolor	14 1/2	14 1/2	14 1/2	- 1/4
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	69	72
Roxy Thea. Bldg. 4s 1st '57	63 1/4	65 1/4

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For a Press Relations Bureau

... some concrete examples why

(Continued from Page 1)

board, not for constructive criticism but for attacks upon the industry's integrity and good name.

For an illustration, there was what one Shotwell Callvert wrote under the intriguing title, "Movie Moguls say 'Phooey' to the Dictators" in the Portland Oregonian not so long ago. Probably because Callvert, spotlighting the Hays office, strayed so far from established fact, the MPPDA, through Kenneth Clark, called the Oregonian to account. It was a wholly proper course of action.

BUT there are cases—many of them—where the newspaper attack centers upon the inarticulate industry rather than the MPPDA, and the latter, for understandable reasons, keeps silent. Yet there is as much if not greater need for such attacks to be answered, and to establish that suppose we take up a recent syndicated newspaper column given over to the trend of patriotic themes.

Write the widely read columnist-radio commentator:

"Let's sell America to Americans! The chant is becoming deafening in Hollywood. 'In Hollywood—where an un-American caste system flourishes and workers are judged not by ability but by the size of their paychecks; where nepotism determines the bestowal of high-salaried jobs; where a man unwise enough to offend a studio czar is often blackballed in all studios for keeps; where the divorce rate is a national scandal; where gangster and sex pictures were the preferred crop until censor boards and an indignant Legion of Decency called a halt; where the final test of every idealistic theme is 'Will it make money?' In Hollywood—where studios are being investigated—and prosecuted—for monopolistic practices and unfair restraint of trade; where many influential potentates are preaching policies that would entangle the U. S. in international quarrels that are not the concern of a people who have enough to do in caring properly for their unfortunates.

"Is that 'Americanism'?"

OF course, it is not . . . and neither is it the motion picture industry, any more than one or two venal publishers are American newspaperdom.

Unfortunately, that sort of verbal tripe spread across the pages of the daily press by one who has had some connection with the film industry, and permitted to go unchallenged and unanswered, is damning in the Nth degree.

And it explains why an infinite variety of propagandists sharpshooting at this industry in legislative halls and elsewhere are so successful in their quest for public support.

So, again: A press relations bureau, and the quicker, the better.

"Beau Geste" Grosses High In 3 Metropolitan Houses

Paramount's "Beau Geste," starring Gary Cooper with Ray Milland and Robert Preston, continues its successful engagements in three metropolitan theaters in the New York territory, it was reported yesterday.

With a heavy gross for its third and final week at the New York Paramount, "Beau Geste," has rolled up a near-record in a three-week engagement, Robert M. Weitman, manager, announced.

At the Fox Theater in Brooklyn "Beau Geste" will complete its first week with a take \$300 short of the house record.

In Newark at the Paramount Theater "Beau Geste" will finish its first week with a gross bettering the house average.

Loew N. Y. Publicity Dept. Promotions Are Announced

Two promotions in the Loew New York publicity department were announced yesterday. Gene Murphy, just back from his vacation, has been given charge of newspaper contacts for the New York circuit, plus handling the advertising for Loew's State Theater. George Sharf, who has been handling the State, is placed in charge of the Brooklyn newspaper contacts and the Metropolitan publicity, under Edward Dowden, Brooklyn publicity director.

Would Stop Newsreel Telecasts in London Bars

London (By Cable)—An attempt is to be made by executives of the London and Home Counties Council of the CEA to persuade distributors to stop supplying newsreels for telecasting to London bars.

Pathe, at the instance of the L and H C branch, has discontinued supplying newsreels to the Savoy Hotel, but W. J. Gell of the Pathe firm has pointed out that such telecast programs can be found in many bars in the Strand and he sees no reason why Pathe should be singled out for complaint. The CEA branch will take up the whole question of telecasting newsreels to bars at an early meeting.

"Oz" Exceeding Normal Biz In Key Spots, M-G-M Reports

"The Wizard of Oz" has exceeded normal business in every situation, ranging up to 167 per cent over normal recorded in New York, where attendance during the first five days at the Capitol ran ahead of every film in the 20 year history of the house, M-G-M reports.

In Indianapolis, "Wizard" did 88 per cent over normal; Los Angeles, 85; Denver, 82; Norfolk, 73; Louisville, 70; Akron, 60; Toledo and Reading, 57; Rochester and Kansas City, 56; and Dayton, 55.

COMING AND GOING

SOL LESSER arrives in New York from Hollywood on Friday.

MRS. NATALIE KALMUS, Technicolor expert, is en route from England bound for New York and Hollywood.

DONALD CRISP, Warner star, arrived in New York yesterday on the Laconia, following a tour in Europe.

GERALDINE FITZGERALD, film actress, has been vacationing for several months in England, returns to New York on Sept. 1, and then to Hollywood.

ANNA D. ELLMER, advertising department office manager for Loew's, has returned to desk from a vacation at Lake Placid.

LAURENCE OLIVIER, film actor, arrived in New York yesterday from Europe on the Ile de France.

ROBERT T. KANE, 20th-Fox production chief in England, arrived in New York yesterday aboard the Ile de France.

RUTH GORDON, stage and screen actress, leaves New York today for Hollywood and the RKO Radio lot to appear in "Abe Lincoln in Illinois."

TONY MARTIN and his wife, ALICE FAY, are in town from the Coast.

VIVIAN LEIGH arrived in New York from England yesterday on the Ile de France.

JACK HARROWER, FILM DAILY staff member, has returned to his post from a vacation in Nova Scotia.

SPYROS SKOURAS is due back in New York on Thursday night from circuit meetings in several cities.

CHARLES KRANZ, of Select Attractions, Inc., leaves today for a week's sales trip in the Eastern territory.

Yorke to Produce Short For U. S. Forest Service

Emerson Yorke, independent short producer, accompanied by Elmer McGovern, editor and director, leaves today by plane for Washington, D. C., for conference with officials of the U. S. Forest Service relative to production on the forthcoming short "Big Game In Alaska" which Yorke will produce for the Government Bureau.

Edward Levy is Sentenced In Conn. Conspiracy Case

New Haven—Edward Levy, secretary of the Connecticut MPTO and general counsel of the MPTOA, was sentenced to one year in State Prison, Waterbury, as a result of the conspiracy trial involving 18 others including high city officials.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 23

Max Fleischer
Gareth Hughes

'Coast Guard' Thrilling Film of U. S. Service

By THE CINEMAID
Trademark Reg. U. S. Pat. Office

THERE'S NOTHING like pure adventure to make a movie enjoyable in superlative fashion.

Men taking reckless chances against death, thrilling battles with high seas, chilling air feats, a film of life at its most quivering—romantic came to the Orpheum yesterday in "Coast Guard."

And there is one justification for enjoying this simple, news-reel-like picture—its suitability to the screen. Such exploits, that couldn't be reproduced in any other medium, are here shown in all their breath-taking detail.

ACTION, SUSPENSE, a satisfactory story of a uniformed Don Juan (Randolph Scott), and pleasant, easy going characters have been combined in the interest of gracious movie going.

The companion film, "Blondie Takes a Vacation," another in the

series from the Hearst comic strip, is a round of homy amusement featuring Penny Singleton, Arthur Lake and Larry Simms.

NARROW SQUEAKS are as meals to get to the coast guard. Their rescues are about the most romantic adventures still going on in the world and "Coast Guard" has focused on two prizes. A rescue in a terrific storm at sea and during another in the Arctic. The ease with which the pilot, Speed Bradshaw (Scott), and Lieutenant Dower (Ralph Bellamy) master the seething elements is part of the interest of their adventures. You feel you're getting a peek at one of science's most interesting discoveries as you watch the efficiency with which they unload passengers in towering seas and land on and take off from ice floes.

Frances Dee contributes the balancing charm to the picture which is convincingly played by the two heroes. Walter Connolly is a grouchy grandfather.

JUST ONE
OF THE
MANY
RAVES!...

COAST GUARD

RANDOLPH SCOTT • FRANCES DEE • RALPH BELLAMY
WALTER CONNOLLY

Screen play by Richard
Maibaum, Albert Duffy,
Harry Segall

A Columbia Picture

Directed by
Edward Ludwig

N. J. MEET TO DRAW NAT'L ALLIED HEADS

(Continued from Page 1)

dustry, most of national Allied directors are planning to attend the sessions, as well as rank-and-file members from other parts of the country.

E. Thornton Kelly, who is handling the details of the convention, said yesterday that 214 reservations had been made at the Ritz-Carlton Hotel in Atlantic City last week-end and that approximately 20 more had come in during the last two days. He advised those who expect to attend to make reservations immediately as the hotel expects an overflow crowd because of the Pageant of Beauty which is to be held at the resort city at the same time. The Allied sessions are slated for Sept. 6-8.

Forty-one booths have been booked by equipment houses which will have exhibits at the convention, Kelly said.

Despite the severance of New York Allied from the national body, a large delegation of upstate Allied members is expected.

The Eastern regional conference is slated for the opening day.

Wall St. Circles Predict Pathe Laboratories Profit

(Continued from Page 1)

the Pathe Laboratories stock based on current balance sheet figures.

Financial statement will be released the latter part of this week, it was stated yesterday at its office. In the Josephthal analysis, credit for the upturn in the company's business is given to excellent sales on Pathegram's "Movie Viewer" and a sharp reduction in laboratory overhead and other expenses.

It is further stated in the brokerage company's report that profits from the sale of Pathe's "Film Recorder," a check photographing machine asserted to be the best on the market, and a promising outlook for increased sales of 16 and 8 mm. film, make the stock at its current levels an "interesting speculation" based on the improvement already shown in operations and possibilities of its products.

Meadows Dies

Cincinnati—D. C. Meadows, owner of the Lyric, Beckley, W. Va., died following a chronic stomach complaint.

WEDDING BELLS

Cincinnati—Irene Burke, 20th-Fox, will marry Arthur Hettesheimer, nephew of Andrew Hettesheimer, owner of the Norwood Theater, and former prexy of Cincinnati indies, on Saturday. Miss Burke was presented with a 46-piece set of flat silver by the Fox personnel.

ALONG THE



WITH PHIL M. DALY

● ● ● A VERY nice informal luncheon was given by United Artists to several of the trade press editors.....who were invited to meet Clarence Erickson, the British representative of Walter Wanger.....the luncheon was given in the refined and leisurely atmosphere of the ritzy Plaza dining room.....here one finds no hectic hustle and bustle.....no raucous ballyhoo atmosphere of those Broadway and Times Square joints.....Mr. Lynn Farnol went to some trouble to impress upon his guests in advance that NO PUBLICITY was being sought.....it was lovely.....and so Different.....

● ● ● LUNCHEON lasted for three hours.....it takes that long for the leisurely service of the Plaza to function.....nice long breathing spells between the iced tomato juice, the capon kidneys, the Plaza bread pudding souffle, and the iced coffee.....what to do between the leisurely courses became a problem.....Messrs. Farnol, Greenthal, Margolies and Kosiner as representatives of United Artists were loath to talk about pictures for fear their guests might suspect they were being promoted.....and as they can talk about nothing but pictures, they were in a hell of a fix.....Messrs. Ramsaye, Kann, Shain, and your kolyumist as invited guests were so surprised at not being promoted at a luncheon given by a producer-outfit that they just couldn't say anything.....they were speechless.....

● ● ● THEN Mr. Farnol was seized with an Inspiration....."Let's kill time between courses by having us publicity fellers release stories about you trade press men".....the idea was applauded by everybody present and the two waiters.....so assignments were given by Mr. Farnol to his staff.....the waiters took down the dictated stories over in a corner, rushed 'em to the chef who started knocking 'em off on his mimeograph machine.....the maitre d'hotel in person waited on the table and served the various courses.....time passed.....but no sign of the releases.....

● ● ● YOU can well imagine that it got to be rather embarrassing.....here were we trade press men sitting waiting to read all the nice things these United Artists fellers had written about us.....a discreet inquiry was sent to the kitchen by Mr. Farnol, conveyed by the maitre d'hotel, asking the chef when the releases might be expected.....the chef sent back word that he was trying to prepare the courses of the luncheon and knock the stories off on his mimeograph machine at one and the same time.....did we desire the dinner courses or the releases, or should he make it fifty-fifty?.....

● ● ● AS the iced coffee was being served, the maitre d'hotel rushed up leisurely with the copies of the releases for each of us four trade press men.....each one of those UA fellers had written blurbs about the current pictures of Messrs. Selznick, Goldwyn, Wanger, Small, Roach, et al....force of habit, no doubt.....then the waiter handed the bill to Mr. Farnol for the luncheon.....who passed out cold as he read the amount.....then the maitre issued a release as follows: "Mr. Farnol overwhelmed by luncheon given to him by trade press men".....those trade press men took the bows without batting an eye as the maitre read his release to them.....force of habit, no doubt.....

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FILM, TELE PROBLEMS FACE BRITISH GOV'

(Continued from Page 1)

of television to the provinces. Questions to be put to Government officials on these three matters have been tabled to be dealt with at the Fall session of Parliament.

On the quota angle the Board of Trade president will be asked to give further consideration to the difficulty being experienced by independent exhibitors in getting British films to comply with the quota provisions of the Films Act.

Prime Minister Neville Chamberlain will be asked which Government departments have consulted with the Censor as to what film of a political nature, during the past three years, it has been deemed advisable to license for exhibition.

Question of extending television programs to the provinces, of which the Post Master General has as yet made no statement, will be put to the PMG who will be asked whether or not he is yet in position to make a statement to the House on the development of television program throughout the country including Wales, and as to the priority of each of the provincial centers for obtaining such service.

Television interests are unable to proceed with their program until the PMG has made public his proposals as to extension of service and what method of control of big screen television he intends to take.

Gloria Jean Party Leaves Tomorrow for Scranton

(Continued from Page 1)

paper men, two radio commentators and a newsreel crew, together with a Universal home office contingent, the Gloria Jean party leaves New York from the Pennsylvania Railway station at 10:30 tomorrow morning for Scranton where the premiere of Gloria Jean's picture, "The Under-Pup," will be held.

Luncheon will be served on the train. Scranton has completed arrangements for giving the young Universal starlet a rousing homecoming.

John Olinger Dies

Milwaukee—John B. Olinger, 65, retired Milwaukee exhibitor who operated one of the city's first "nickelodeons," died here. Olinger was an exhibitor from 1906 until 1928, when he left the theater business to open a department store. He is survived by his wife and a sister.

Mono. Signs Coogan

Jackie Coogan has been signed for an important role in Monogram's "Sky Patrol," of the Tailspin Tommy series. Part is said to be the most important in his grown-up career.

FIFTH AVENUE GIRL

*turns the social
whirl into a
hurricane!*



IT'S BIG BOX-OFFICE WHEN YOU GET A GREAT
NEW SHOW FROM A STAR WHOSE LAST WAS A SENSATION!

"Bachelor" Mother has a grown-up baby now! He's Walter Connolly, millionaire workboy who never had a chance to play!...Ginger comes into his life from a park bench... stages a one-girl raid on his stuffed-shirt family —AND YOU HAVE ALL THE FUN!... Gay, audacious complications, with producer-director La Cava at the helm, piloting his people through dangerous waters with the same sure hand that made "Stage Door" great!...

Yes, sir... another BIG ONE from RKO RADIO!



OPENS
RADIO CITY MUSIC HALL
THIS WEEK...

Ginger Rogers

IN

"FIFTH AVENUE GIRL"

WITH

WALTER CONNOLLY • VERREE TEASDALE • JAMES ELLISON

TIM HOLT • KATHRYN ADAMS • FRANKLIN PANGBORN

PRODUCED AND DIRECTED BY GREGORY LA CAVA

PANDRO S. BERMAN IN CHARGE OF PRODUCTION

SCREEN PLAY BY ALLAN SCOTT

SEE PEACE POSSIBLE IN AAAA-IATSE ROW

(Continued from Page 1)

trial, which request was granted by the Council.

The move was interpreted by observers as possibly indicating that there is a split in the AFA ranks, with one force now definitely working toward a peaceful settlement despite the opposition of the other group to any peace moves, as this is the first time that the AFA has voluntarily made any move to attempt a solution internally since the dispute caused the revocation of the AFA charter by the AAAA.

Richman stated that he appeared before the Council "in an effort to find an honorable settlement of the AAAA jurisdictional controversy." Tomorrow afternoon at 2 o'clock was the date set by the Council for the Tucker hearing after Richman's request. Trial was set originally for yesterday afternoon, but Miss Tucker refused to appear because the Council would not allow her to have her attorney present. Following an earlier flat refusal to appear she made the offer to appear with her attorney, which was denied by Equity.

Freedly's Show Will Suffer

With the reopening of the Vinton Freedly show, "Leave It To Me," set for Labor Day, continued suspension of Miss Tucker or an ouster from Equity which would bar her from the stage will bring about a strike by the stagehands at the theater the IATSE asserts. This move would bring certain further reprisal actions by the AAAA and they would be just as certainly answered by the IATSE, bringing about the open warfare which the studios and stage producers hope can be averted.

Further support of the AAAA cause was indicated yesterday in a statement by Marc Connelly, president of the Authors' League of America.

He stated that the League was heartily in accord with the established principle and policy of craft organization in the amusement industry, but believed that actors, authors and stagehands should remain within the confines of their own organizations. He amplified his statement by asserting that through years of experience each of these organizations had acquired the knowledge of the needs of its own members, and this experience obviously does not include the problems of other groups.

SAG Votes Full 4A Support

More concrete action was taken by the Screen Actors' Guild in Hollywood. They issued a statement that the board of directors had passed a resolution pledging the full strength of the Guild, economic and otherwise, for any action which may become necessary in support of and co-operation with the AAAA for the duration of a finish fight.

It was also resolved by the SAG directorate that the Guild co-operate

Oklahoma City's Variety Club May Lease Black Hotel Pent House for Headquarters

Oklahoma City—A committee has been appointed by the new Variety Club chapter here to discuss the pent house of the Black Hotel as club headquarters. Morris Loewenstein has been named head of a committee to check new membership applications from theaters, radio, newspapers and amusement parks and Jack Curry, local Paramount manager, will check film exchange memberships. Recent meeting was addressed by Charles E. Kesnick, Southern District manager of M-G-M, with LeRoy Bickel, Dallas M-G-M manager, also present.

Canada's Nat. Film Board To Be Appointed Shortly

Montreal—Functioning as part of an Empire-wide campaign for education and greater understanding between the Dominions, the National Film Board, provided for in legislation passed at the last session of Parliament, will probably be set up within the next few weeks. Appointments are to be made from the ranks of the cabinet, the civil service and the Canadian public.

The duties of the board will be to supervise the preparation and distribution of "documentary" films, mainly of an educational nature, for use throughout Canada and the Empire. The work will be co-ordinated with similar activities throughout the other British Dominions.

The plan for the board was worked out chiefly by John Grierson, secretary of the Imperial Relations Trust. Grierson is on his way to Australia to work out a similar plan there.

The board will consist of seven members, all of whom will give their service gratis. There will be one administrative officer, who will be a full-time official on a salary. The members of the board itself will consist of two Cabinet Ministers, two senior civil servants and three outstanding Canadians. The Ministers appointed will be Hon. W. D. Euler, Minister of Trade and Commerce, under whose department the present Government motion picture bureau operates, and probably Hon. T. A. Crerar, Minister of Mines and Resources.

"Bagdad" for Xmas Release

"Thief of Bagdad," being completed now by Alexander Korda in Technicolor, will be brought to this country for a Christmas release, it was learned yesterday. Korda and his wife, Merle Oberon, are expected to return here this fall from England.

with other AAAA unions in developing a "one big union" plan, preserving group autonomy to the end. It is possible that this battle will hasten this plan, one which has long been sought by the majority of the AAAA member unions.

In a statement issued late last night, Ralph Whitehead, executive secretary of the AFA, announced that the appearance of Richman yesterday before the Equity Council was purely an unofficial and individualistic act. Sophie Tucker, AFA prexy, concurred with Whitehead in stating that Richman's action was unofficial.

The AFA Council will meet this afternoon, it was learned last night. It is believed that Richman will be asked to explain his actions and motives at this time.

Canadian Indies Want Voice In Setting Up Ruling Body

(Continued from Page 1)

committee of the Anti-Protection League, declares one of the chief purposes of the Dominion-wide convention of the independents, being held in Toronto, Sept. 7, is the endeavor to see that the independent interest of the film industry has "some voice in setting up its own governing body, if there is to be one, some opportunity of selecting its own representatives and some say as to a program to be pursued."

Scott says: "We recognize clearance but we do not recognize protection. When the 45 or 50 days which must elapse according to the present clearance schedule is stretched to 90, 100 or 150 days by delayed datings in prior-run chain houses, a condition arises that is intolerable to the subsequent-run houses." He asserts "this fight for a new deal in clearance is a fight to regain some of the lost ground for independents. It will be a hard fight and possibly a long one. But our place in the industry and our livelihoods are at stake."

Six New Pictures Slated To Go in Work This Week

West Coast Bureau of THE FILM DAILY

Hollywood—Six new pictures are scheduled to go into production this week.

At Columbia, "The Incredible Mr. Williams," co-starring Joan Blondell and Melvyn Douglas. "Blondie Brings Up Baby" with Penny Singleton and Arthur Lake.

At RKO: "Reno" starring Richard Dix with Barbara Read and Gail Patrick. Story is about the growth and development of Reno, Nevada.

At Paramount, "Broken Heart Cafe," featuring Ellen Drew. Harry Sherman's "Knights of the Range."

At Republic, "Missouri Raiders," Roy Rogers western, with Colleen Murphy playing opposite Rogers.

M-G-M Close W. B. Chi. Deal

Chicago — Deal was closed here yesterday by W. F. Rodgers, Metro general manager of distribution, with James Coston, Warner zone manager, for the Metro new season product lineup for the Chicago territory. Rodgers is scheduled to meet John Friedly, Minnesota chain operator, here today on a product deal. The Metro exec. stated that he was optimistic about the business outlook in this territory.

WAR THREAT HURTING ENGLISH BIZ--KANE

(Continued from Page 1)

terday on the Ile de France for conferences with studio execs. in Hollywood.

Kane reported that theater business in England currently was about 11 per cent off due to mobilization of troops and reserves. Drilling and other precautionary measures are keeping the public away from theaters, he said.

Kane leaves today for the Thousand Islands to spend a week with Sidney R. Kent, 20th-Fox prexy, who is vacationing there, and then goes to the Coast for conferences with Darryl F. Zanuck and other studio executives. Kane said that he had several stories with him which he would discuss with studio execs.

Kane predicted that eventually the film industry would have to go into the sports promotion field when television advances and become established as a medium of entertainment. He foresees television in newsreel theaters throughout the world supplemented by regular news programs, with special sports events also being televised widely in theaters.

The domestic sales department will distribute four of the English made films here, and another one will probably be added to that figure before the end of the season, Kane said. He reported that the second Gracie Fields picture scheduled on the program had been cancelled because of her illness.

It was also learned that the budget increases announced for the company's domestic program would automatically affect the British product. Kane expects to be here about five weeks.

Standard Theaters Launch A "Happy New Movie Year"

Oklahoma City—Standard Theaters group here launched the new movie season this year with an "unprecedented" campaign based on "Happy New Movie Year" as planned and executed by Pat Patchen, advertising manager.

Three color full page ads of new films, 12,000 mail folders, lobby boards and all usual forms of promotion of the idea were used.

Screen trailers plugged the idea and pictures to sound track of New Year's celebrations and four days of spot announcement advertising on KOCY with 15 plugs a day read to background of "Auld Lang Syne" were also used.

Fair's "Golden Boy" Day

New York World's Fair, it was announced on the week-end, has designated today as "Golden Boy" Day. This is asserted to be the first instance of the Fair dedicating a day of its public events to a motion picture.

COHEN SAYS ALLIED TRIED TO WRECK UNIT

(Continued from Page 1)

ticularly to the part which said that the national directors were "convinced that a relationship of co-operation cannot exist between the two bodies as long as Messrs. Cohen and Kosch (Harry Kosch, unit attorney) control the policies of the New York group."

The policies of New York Allied, Cohen declared, were with the express approval of a majority of the board of directors and/or a majority of the state membership.

N. Y. Unit's Actions Approved

In regard to national Allied's assertion that numerous members of New York Allied were out of sympathy with the efforts of the leaders, Cohen pointed out the membership gave its unqualified approval to the actions contemplated by the organization.

Cohen's statement continues:

"We now know who the backbiters were, and we also know that these self same backbiters, who constitute a definitely small minority, were working in cahoots with and at the direction of Col. Cole and Commissioner Myers; and further that all this knifing in the back was being attempted without the knowledge of the membership at large, and certainly without the knowledge of the President of the organization. Therefore, it becomes obvious that the statement made in this particular paragraph is just another effort to draw a 'red herring' across the trail, on the part of the national Allied, so as to attempt to overshadow the important and constructive work being carried on by this unit."

Expelled, But Never a Member

"And remember this too," he continued, "we are expelled from membership when we never were accepted into membership of national Allied; and the flimsy excuses given by way of explanation to the press, are that due to the peculiar status of the New York organization, they 'did not know what to do.' Further, that we are expelled not by a motion of the Board of Directors, but by a polled vote by mail. And, let me tell you why there was a polled vote by mail—at the last meeting of the Board of Directors requested by the backbiters hereinabove referred to, which meeting was called at their request through consultation with Col. Cole, (which was admitted into the minutes of the meeting) Col. Cole was bluntly told that we were fully aware of the fact that we were not members of the national Allied."

"You can readily understand, therefore, that in such a situation, where we were all aware of our technical position—and further, in face of the course that we had charted, that the only way Col. Cole and Commissioner Myers could save their faces, in view of the record of accomplishment by the New York Allied, was to try and find some loophole or

Detroit Variety Club Is Seeking \$50,000 To Buy Lunches for Poor School Children

Detroit—Detroit Variety Club is undertaking the raising of about \$50,000 for lunches for indigent children in Detroit schools—a need indicated by the fact that 4,000 children daily go to school without breakfast. Edgar Kirchner, manager of the Family Theater, has been named general chairman. Kirchner and David Newman, secretary of Variety, were on the committee, which has been checking the situation for several weeks.

Griffiths Ask Government To Amplify Trust Charges

Oklahoma City—The Griffith Circuits have filed a plea in Federal Court stating that if injunctions sought by the Government were granted "it will wreck our business." The filing was in support of their motion to force the Government to detail and amplify its charges.

"Certainly when the very existence of these exhibitors is at stake, they should know with some reasonable certainty the thing with which they are charged," the memorandum stated. "These exhibitors are small corporations, owning and operating small theaters in small country towns. By efficiency and industry, three brothers and their associates have shown some degree of success in these enterprises. Now along come those in high positions in our Government and charge, in the most general and obscure language possible, and ask the court to enjoin further business transactions and to decrease dissolution of the corporations."

The four Griffith companies are Griffith Amusement, Consolidated Theaters, R. E. Griffith Theaters and Westex Theaters. Four circuits operate 290 theaters in three states.

some peg upon which to hang either their faces or their hats."

Allied gave as one of its reasons for expulsion as "failure to pay dues," to which Cohen said that the schedule prescribed by the national organization was impossible to meet.

Cole Praised Unit's Work

Regarding charges that New York Allied acted contrary to the national organization's policies, Cohen quoted President H. A. Cole's address to the New York convention in which the latter praised the unit for its work and in some instances endorsed its policies.

In answer to the various charges, Cohen summed up the situation as follows:

"We in New York Allied stand ready to defend our record. In assuming that defense, we are proud of the record of accomplishment, and we glory in our ability to achieve that which heretofore has been considered impossible and unattainable. We have definitely proven that we are entitled to the respect and admiration of those with whom we deal in our daily business contacts; and what is more, we are receiving it."

"By conclusive proof offered to the entire industry, we have shown that we are able to cope with our own

Two Yamins Theaters Pass to Interstate on Thursday

Fall River, Mass.—Nathan Yamins' Durfee and Empire Theaters will be taken over by Interstate Theaters Corp. next Thursday. Yamins, who has operated the houses for a number of years will continue to operate the Park, Strand and Capitol here.

William J. Canning, manager of the Durfee until about a year ago, will return to manage the Empire for Interstate. The Durfee will be managed by Christopher Joyce of Plymouth. Joseph Bean remains as assistant manager. Vaudeville is likely to be installed in the Empire later in the season.

Interstate, a New England chain, has about 40 theaters. Edward Ansin is president and E. Harold Stoneman is treasurer. M. Edgar Fain is general manager.

Goldstein Wins N. J. Case

Supreme Court of New Jersey handed down a decision in favor of Edward Goldstein, owner of New York and New Jersey rights to Bank Night, enforcing a Bank Night contract against Barclay Amusement Corp., operator of the Ramsey Theater, Ramsey, N. J. Goldstein, as assignee of Affiliated Enterprises, had sued Barclay Amusement Corp. for royalties due for use of Bank Night by the theater.

problems, and get relief if it is needed. And mind you, all of this has come about because at last in this industry, there arose such an organization that was not dominated by 'leadership' tactics; that was not dominated by 'one-man' policies—but an organization built of men who are willing to shoulder the burden and not 'let George do it.'

To Call State Meeting

"In conclusion, let us offer this final bit of advice: We have an organization worthy of our support. national Allied tried to wreck it, but they failed; they are trying to wreck it now—they are trying to wreck it with an 'inner circle' whose stake in this industry is negligible. Why they are trying to do this, God only knows, because by their tactics, and the continuance of those tactics, they must bring ruin to the cause of the independent exhibitor."

"Within the immediate future, you will be called to a State meeting. Make a firm resolution that this is one meeting above all, that you are not going to miss. And above all, remember you have a duty to your fellow exhibitor in this State. He is fighting for you; you must stand shoulder to shoulder and fight for him."

2 CLAIMS MAY UPSET RECORDING COPYRIGHT

(Continued from Page 1)

torney for Morris Meltz, asked for a retrial in a case of Ascap against his client. The claims in effect were:

1. That the motion pictures containing the songs which Meltz found guilty of infringing did not contain notices that the songs were copyrighted and hence Meltz was an unintentional violator.

2. That the copyright on the songs was exhausted when copyright owners gave film producers authority to record the songs.

Meltz, owner of the Arcade Theater in Ferriday, had lost the suit when Ascap's Attorney, J. Studebaker Lucas, acting on behalf of Famous Music Corp., Ager, Yellen & Bornstein and Irving Berlin, Inc., showed violations in connection with "Just One More Chance," "Deep Night" and "I'd Climb the Highest Mountain." The songs were used in an educational short entitled "The Magic Washing Machine" and in Paramount's "Rudy Vallee Melodies," a Betty Boop cartoon.

Lucas claimed that Judge Porterie had ruled earlier in effect:

1. That copyright notice does not have to appear on mechanical reproductions.

2. That the right to produce does not include the right to exhibit.

3. That copyright holders can stipulate uses to which their works can be put as they assign their various rights.

"Nurse Edith Cavell" Opens Tomorrow at Toronto Expo.

RKO announces that "Nurse Edith Cavell," produced in this country by Herbert Wilcox and starring Anna Neagle, will have its premiere tomorrow on the grounds of the Canadian National Exhibition, under the auspices of the British Empire Section of the Toronto Board of Trade and the motion picture industry.

Wilcox and Miss Neagle will be present. A formal dinner for Miss Neagle will be given at the Royal York Hotel, attended by Dominion dignitaries.

"Innocence Abroad"

Arriving yesterday on the Ile de France were Laurence Olivier and Vivian "Scarlett O'Hara" Leigh. Columnists have reported a romantic attachment between the two, but Miss Leigh was not to be found and was not interviewed yesterday. Mr. Olivier told the press that it was a complete surprise to him that Miss Leigh was aboard the boat.

Soviet After "Nazi Spy"

West Coast Bureau of THE FILM DAILY

Hollywood—Soviet government is negotiating with Warners for the Russian rights to "Confessions of a Nazi Spy."

REPORT BRIGHTER BIZ OUTLOOK IN MICHIGAN

(Continued from Page 1)

but the several towns dependent directly upon the auto industry have prospects of usual fall revival, due in a month with new car models and early production. Possible labor unrest could, however, seriously affect business, upstate as well as in Detroit.

Double features remain universal in Detroit. A few exhibitors, notably the Krim Circuit, are experimenting with single bills for strong pictures and getting away with it. Public taste, as indicated by numerous reactions overheard by this correspondent, is for single bills strongly, and patrons are getting very choosy when they have to "waste time" on a long dual bill, demanding good films on both numbers. The usual strong and weak combo bill draws poor business generally.

Tastes in pictures in the territory remain almost unclassifiable. Star or name value appears of paramount importance, with the trend towards historical films a strong second. Typical is the "Union Pacific" type, now playing neighborhoods to good business. The typical film is doing less than average program business, unless backed by strong star value.

Overseating is worrying exhibitors in Detroit particularly, with several new houses under construction or planned, although some of these are nearly a mile from existing theaters, in new territories just being built up in the present residence building boom. Upstate, theater construction is near an all-time high—eight houses slated for opening in August, and three each being erected in Flint and Lansing.

Premiums appear to be gaining in popularity, particularly around Detroit. Upstate exhibitors use them less frequently, especially in smaller non-competitive towns. Preference is still for standard dishes, silverware, linens, etc. Occasional novelty premium has been introduced, to good results, but they have been slow to spread to new houses.

Straight cash giveaways around Michigan are almost nil due to legal interpretations, and the various evasions of the law are also nearly dead. Some exhibitors privately express desire to try cash giveaways in some form, but are avoiding the challenge to law-enforcement agencies.

Somewhat of a trend toward old-fashioned showmanship, in the form of more intensive exploitation and ballyhoo, including street stunts, is apparent in recent weeks, extending from the dime houses right up to the first-runs.

III. Fair Bars Games

Springfield, Ill.—The Illinois State Fair will bar Bingo, corn games and numbered wheels this year.

Usher to Ensign

Chicago—There have been all kinds of college boys working as ushers at the ace B & K Chicago Theater, but the appointment of John F. Kelly to Annapolis, if he can pass the final examinations, is one of the highlights of the Chicago Theater usher history.

Television Makes its Bow Today in N. Y. Dept. Store

(Continued from Page 1)

lowing a demonstration yesterday. Films and live models were televised from a central studio to a receiver on the third floor where a group of about 40 newspaper and advertising representatives were gathered.

Using an American Television Corp. receiver, pictures about seven-by-nine inches were seen, displaying models using various products. Films were made by Caravel Studios.

Observers reported that the pictures were reproduced on the television receiver only fairly clear. As the system is limited to the store and cannot be picked up elsewhere, commercial films will be used and may be sponsored by manufacturers.

Wis. Exhibitors Fear Tax Proposal May Hit Theaters

(Continued from Page 1)

\$20,000,000 through a luxury tax. Sen. Gettelman has indicated his disapproval of a proposed compromise plan to raise \$14,000,000 for the next two years by broadening the income surtax base to include more than 112,000 new taxpayers.

Under the compromise measure, the chain store tax would be deleted from a bill pending in the Assembly and redrafted into a separate bill. Some exhibitor leaders are fearful that such a revision would also provide for a chain theater tax.

N. S. Exhibs. Buying Pix In Face of Legislation

(Continued from Page 1)

are given the right to cut off the film supply if the legislation objects to them and now a law is enforced. Under the legislation, the exchanges would be regulated by the provincial censor board, and rental dates and prices would be governed, and a yearly fee collected.

FBI Detroit Probe May Be Preliminary to Film Suit

(Continued from Page 1)

vestigation in Detroit, rumored to be the site of the next industry anti-trust suit. Hoover declined to say just what his agents were working on, but it is known that FBI agents have done preliminary work on film cases in other cities.

Critic Under the Knife

Indianapolis—Walter Whitworth, Indianapolis News pix critic, is confined to the Methodist Hospital after an appendectomy.

REVIEWS OF NEW FILMS

"The Star Maker"

with Bing Crosby, Louise Campbell, Linda Ware, Ned Sparks, Laura Hope Crews, Janet Waldo, Walter Damrosch
Paramount 94 Mins.

BOX-OFFICE POWERHOUSE. HUGE AUDIENCE APPEAL. BRIGHT COMEDY AND GALAXY OF HIT TUNES.

Clearly, Paramount and film theaters have a mutual hit on their hands,—and audiences everywhere an entertainment oasis from which springs a fountain of youthful talent, the lilt of melodies both new and traditionally cherished, and Bing Crosby at his best. But most significant among the assets of "The Star Maker" is that it makes a new star in film's firmament in the captivating person of youthful Linda Ware. In the Hollywood vocabulary, or any other, here is a colossal find, whose magnetism, natural showmanship and versatility are bound to rocket her into popular favor. To remark that her vocal gifts are singular is inadequate. They are plural, for she renders just as thrillingly the institutional and torrid "Darktown Strutters' Ball" as she does Tschaikowsky's "Waltz of the Flowers." Melodically, the Charles R. Rogers-produced attraction is a cavalcade of song, spliced together in the revue manner, and made cohesive, logical and firm by the interlarded recounting of episodes based upon the career of Gus Edwards. America will take to the fine array of new tunes, "A Man and His Dream," "Go Fly a Kite," "An Apple for Teacher" and "Still the Bluebird Sings" like the proverbial duck to water, and revel in the bevy of Gus Edwards hits of the long ago. Make bold notation that the footage is packed with human interest; grand comedy supplied by Ned Sparks, Laura Hope Crews, the kid members of the cast, and supporting players. Crosby's acting and resonant vocalizing, plus his title role characterization win him new laurels in the eyes of his already vast following. Louise Campbell is delightful and efficient as his devoted, inspiring spouse. Film has all-embracing mass appeal by virtue of Walter Damrosch's presence with the Los Angeles Symphony Orchestra,—assuring a class appeal of magnetic force. Roy Del Ruth has turned in a masterful piece of direction, and photography by Karl Struss is tops, as is the momentum of the screenplay by Frank Butler, Don Hartman and Arthur Caesar. The story recounts the flaming ambition, but withal the "dreamer's" impractical approach to success, of a song writer who becomes a renowned producer via presenting kid vaudeville acts and shows. His first big break accrues through his devoted wife forcing an interview with the variety solon Proctor. At the pinnacle of his career, the song writer impresario's many vaude units are squelched by the Gerv Society's forbidding child performers to work after 10 o'clock at night. Long thereafter, the star-maker is compelled to be content in his adversity with the thought of his having advanced the careers of so many young performers, particularly a 14-year-old girl soprano. But when the skies are darkest, along comes radio, and this medium outs the star-maker back on the high road of fame and fortune. "The Star Maker" is gay, diverting, heartstring-tugging, and bountiful box office bait. Highly

"Smuggled Cargo"

with Barry Mackay, Rochelle Hudson, Ralph Morgan, George Barbier
Republic 62 Mins.

WELL PACED MELLER HAS ENOUGH ACTION TO MAKE IT O.K. FOR NABE HOUSES.

Although the title would never lead you to believe that the film centers around the life of a community of Southern California orange growers, action, a capable cast and well paced story make it O.K. entertainment for the nabe houses. Barry Mackay takes the role of orange grower Ralph Morgan's son. Morgan is good as the head of a citrus growers organization. George Barbier is amusing as the chain store orange drink mogul and Rochelle Hudson is attractive and capable as his daughter. A seasoned group of troupers support the principals. A sudden cold snap forces smudging in the orange groves and, with a shortage of oil imminent, Mackay is forced to steal oil from their enemy, Arthur Loft, a grower who is not a member of the association. He also takes Barbier's car away from him in order to deliver the oil as his racer breaks down. Barbier is enraged when he discovers who Mackay is and agrees to make a deal with Loft. Morgan talks to Loft and tries to reach some agreement, they argue violently and Loft is murdered. Morgan is taken to jail, but John Wray incites a mob and it is not until Wray is disclosed to be the real murderer that the situation is straightened out. Barbier learns that Loft had been selling him smuggled oranges and renews his contract with the association.

CAST: Barry Mackay, Rochelle Hudson, George Barbier, Ralph Morgan, John Wray, Cliff Edwards, Arthur Loft, Wallis Clark, Robert Homans.

CREDITS: Associate Producer and Director, John H. Auer; Original Screenplay, M. Jacoby and Earl Felton; Cameraman, Jack Marta; Editor, Ernest Nims.

DIRECTION, O.K. PHOTOGRAPHY, Good.

exploitable, it is just as big as its exhibitors care to make it.

CAST: Bing Crosby, Louise Campbell, Linda Ware, Ned Sparks, Laura Hope Crews, Janet Waldo, Walter Damrosch, Thurston Hall, Clara Blandick, Oscar O'Shea, John Gallaudet, Ben Weldon, Emory Parnell, Dorothy Vaughan, Bodil Rosing, Paul Stanton, Morgan Wallace, Richard Denning, Joseph Crehan, Ethel Griffies, Frank Faylen, Billy Gilbert, Grace Hayle, Johnny Morris, Selmer Jackson, Siegfried Arno, Ralph Faulkner, Earle Dwire, Harry Bradley, Wally Maher, George Eldredge, Stanley Price, George Guhl, Jim Dundee, Max Wagner, Ralph Sanford, A. S. "Pop" Byron, Daisy Bufford, Allen Fox, Fritz Brunette, Ed Stanley, Ottola Nesmith, Jack Pennick, George C. Pearce, Doro Merande, Frances Raymond, "Larry's Kids," and The Philharmonic Orchestra of Los Angeles.

CREDITS: Producer, Charles R. Rogers; Director, Roy Del Ruth; Author, Arthur Caesar; Screenplay, Frank Butler, Don Hartman, Arthur Caesar; Editor, Alma Macrorie; Cameraman, Karl Struss.

DIRECTION, Excellent. PHOTOGRAPHY,

A UNIVERSAL PICTURE

IRENE DUNNE AND CHARLES BOYER

IN "WHEN TOMORROW COMES" GAVE

THE RIVOLI THEATRE, NEW YORK,

THE BIGGEST OPENING IT HAS HAD

IN THREE YEARS. THROUGHOUT THE

COUNTRY THE STORY IS THE SAME.

A JOHN M. STAHL PRODUCTION

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V-76, NO. 38

NEW YORK, THURSDAY, AUGUST 24, 1939

TEN CENTS

U. S. Majors Taking Steps in Event of War in Europe W. B. "STREAMLINES" ITS DISTRIBUTION METHODS 100% Gain in Drive-in Theaters Expected During 1940

Now Located in 16 Spots; License Deals for 20 More Set

As a result of the success of drive-ins, a gain of more than 100 per cent is expected to be registered by this type of theater during the summer of 1940, checkup shows.

Currently, 16 U. S. communities have such "houses," whose establishment represents the direct opposite in principle of the itinerant exhibitor thorn in the side of the industry. The drive-in theater reverses the idea, by catering to the itinerant patron.

Communities with drive-in houses, together with their car capacities, are: Los Angeles, 350; Burbank, 450;

(Continued on Page 6)

\$5,000,000 PROGRAM AT EASTERN SERVICE

With contracts already signed involving approximately \$2,500,000 for production at Eastern Service Studios, indications are that commitments calling for another \$2,500,000 will be consummated before the end of the year. These figures are

(Continued on Page 6)

Elect Sol Lesser President of Lubitsch Productions

West Coast Bureau of THE FILM DAILY
Hollywood—At a meeting yesterday of Ernst Lubitsch Productions, Inc., the following officers were elected:

(Continued on Page 8)

Tele in Color

A patent which claims to cover natural color in television has been allowed to Robert Lorenzen. It is said that the primary colors in combination with a cathode ray tube will reproduce upon the screen the televised pictures in natural colors. George H. Callaghan, joint owner with Lorenzen, will market this patent.

Proposed Ordinance to Limit Film Programs In Minneapolis to Have Hearing on Aug. 29

Minneapolis—A proposed ordinance to limit film programs to two hours and 15 minutes will be aired at a public hearing to be held on Aug. 29. The proposed ordinance, which would not affect stage shows, would eliminate nearly all double-feature bills. Reports around the city indicate public sentiment growing in favor of the ordinance as patrons are apparently growing tired of lengthy bills and parents claim that long bills keep the children out too late in the evenings. A. W. Steffes, president of Northwest Allied, is reported to have started action looking to the adoption of the proposed ordinance.

Report Distribs. Must Devise Plan For Divorcement if Gov't. Wins Suit

Washington Bureau of THE FILM DAILY

Washington — Reports, current here to the effect that should the Government win its current New York equity action against the majors, the defendants would be given a period of some six months in which to devise a plan whereby theaters would be divorced, were neither confirmed or denied by Special As-

sistant Attorney General Paul Williams.

In any event, the Government, reports aver, will not be the one to offer, or arbitrarily impose the plan, but leave up to the companies themselves a satisfactory "way out" of the divorcement difficulty,—with the Government sitting in judgment up-

(Continued on Page 8)

N. Y. Women's Clubs to Support Golden Jubilee

Co-operation of the New York State Federation of Women's Clubs on the observance of the industry's 50th anniversary was assured yesterday when Mrs. Malcolm Parker MacCoy, state motion picture chairman, announced plans for their participation in the Golden Jubilee.

Local chairmen were advised to

call together their agencies in each community which has an active motion picture program such as a YMCA, YWCA, Boy Scouts, Girl Scouts, etc., and to launch an active drive.

Suggested activities include appropriate displays in schools, libraries

(Continued on Page 6)

Foreign Departments of U. S. Majors Take Steps to Meet War Threat

"U" Insures Delivery of Two Pix with Emergency Budget

Universal Pictures announced yesterday that an additional emergency budget in excess of \$200,000 has been set aside to insure the timely delivery of "Destry Rides Again"

(Continued on Page 8)

With the European crisis approaching a climax last night that may plunge the continent into war, the major foreign departments yesterday were completing arrangements planned some time ago to protect their offices and personnel when this crisis was foreseen. Meanwhile, production heads were watching the sit-

(Continued on Page 6)

Code Concessions Seen In WB Selling Plans for New Season

In a concise declaration of its merchandising policy, Warner Bros. yesterday, through its general sales manager, Grad Sears, set forth the company's "streamlined" distribution methods, designed, according to the statement, "to meet the new order of economic demands."

While Sears' statement makes no mention of the proposed trade practice Code, it can be seen that at least two important Code concessions are included in Warner Bros. policies; namely, the 20 p.c. cancellation provisions and the non-forcing of shorts with features. The 20 p.c. cancellation privileges apply "if the average of the license fees for all features shall not exceed \$100, and 10

(Continued on Page 8)

AFA COUNCIL MEETS; NO ACTION IS TAKEN

Following a meeting of the full council of American Federation of Actors yesterday at its offices it was learned that no further action has been taken as to any future step

(Continued on Page 8)

Cinecolor Prints on Single Coated Stock Ready Shortly

West Coast Bureau of THE FILM DAILY

Hollywood—Cinecolor will shortly deliver all color film prints on single coated stock with emulsion on one

(Continued on Page 8)

No Merger

Printed reports to the effect that Allied of New York may merge with ITOA to form a third national exhibitors' association were denied yesterday by Max A. Cohen, president of the state group. Cohen said that no such plan had been discussed and no such enterprise was contemplated.

THE FILM DAILY

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/2	11 1/2	11 1/2	
Col. Picts. vtc. (2 1/2%)	7 3/4	7	7 1/8	- 3/8
Columbia Picts. pfd.	22	22	22	.....
Con. Fm. Ind.	1 1/8	1 1/8	1 1/8	- 1/8
Con. Fm. Ind. pfd.	9 3/4	9 1/2	9 1/2	.....
East. Kodak	163 1/2	162 3/4	163 1/2	- 1 1/4
do pfd.	.....	.....	.....	.....
Gen. Th. Eq.	10 1/2	10	10	+ 1/2
Loew's, Inc.	41	39 7/8	39 7/8	- 2 1/8
do pfd.	.....	.....	.....	.....
Paramount	8 1/8	7 3/4	7 3/4	- 3/8
Paramount 1st pfd.	90	89 7/8	89 7/8	- 1/8
Paramount 2nd pfd.	9	9	9	- 3/8
Pathe Film	9 3/8	8 3/4	8 7/8	- 1 3/8
RKO	13 1/4	13 1/4	13 1/4	.....
20th Century-Fox	18	17 3/8	17 3/8	- 5/8
20th Century-Fox pfd.	.....	.....	.....	.....
Univ. Pict. pfd.	60	55	55	- 5
Warner Bros.	4 1/4	4 1/8	4 1/8	- 1/8
do pfd.	51	51	51	- 1

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	.....
Loew's deb. 3 1/2s46	102 7/8 102 7/8
Para. B'way 3s55	.....
Para. Picts. 6s55	.....
Para. Picts. cv. 3 1/4s47	90 1/4 90 1/4
RKO 6s41	67 67
Warner Bros. cv. 6s39	.....
Warner Bros. db. 6s48	.....

NEW YORK BOND MARKET

Monogram Picts.	1 1/2	1 1/2	1 1/2
Sonotone Corp.	1 3/8	1 3/8	1 3/8
Technicolor	14 3/4	14	14
Trans-Lux	.....	.....	.....
Universal Corp. vtc.	3 3/8	3 3/8	3 3/8
Universal Picts.	.....	.....	.....

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	.....	.....
Met. Playhouse, Inc. 2nd deb. '45	67	70
Roxy Thea. Bldg. 4s 1st '57	63 1/4	65 1/4

SAFETY LLOYDS

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BRyant 9-5600

SECURITY

Report 365 Simultaneous for WB's "The Old Maid"

On the heels of record-breaking pre-release engagements, says Warner Bros., "The Old Maid," initial release on the company's 1939-40 schedule, goes into national distribution the week of Sept. 1, with 365 simultaneous engagements scheduled for that week. This gives the Warner organization a bang-up start on the new season with a strong line-up of big pictures set to follow in rapid succession. These include "Dust Be My Destiny," "On Your Toes," "The Private Lives of Elizabeth and Essex," "Espionage Agent" and "We Are Not Alone."

In its several selected pre-release openings in key city situations to date, "The Old Maid" has rolled up sensational grosses, the company states, and bids fair to become one of the company's top money-makers of all time. Record business is reported to have been recorded at the Strand, New York; Warner, Bridgeport; State, Waterbury; Warner, Atlantic City; Earle, Washington; Roger Sherman, New Haven and the Capitol, Springfield.

Every available print on "The Old Maid" is expected to be in use during the first week of September.

To Hold Funeral Service Tomorrow for Mark Vance

Funeral services will be held tomorrow for Mark Vance, theatrical newspaper man, who died Tuesday at Saranac after a long illness. Burial will take place at the Maple Grove Cemetery in Long Island. Special B.P.O.E. services will be held today at the Riverside Memorial Hospital. Vance at various times was editor of Show World, editor of NVA News and a member of the Variety staff for 23 years. He is survived by his widow, Mrs. Edna Vance, and a son, Alfred.

Studio Workers to Decide Bargaining Group by Vote

West Coast Bureau of THE FILM DAILY Hollywood—At a conference attended by representatives of NLRB, producers, IATSE and United Studio Technicians Guild, it was decided that an election be held within 30 days to decide whether IA or USTG will be sole bargaining agent for studio workers. Studio workers employed for 60 days during period from Jan. 1, 1939, to July 15, 1939, will be eligible to vote and producers have stipulated they would deal with winning organizations.

Monogram Moving Its Minn. Exchange to New Quarters

Minneapolis—The Minneapolis branch of Monogram Pictures Corp. will move on Sept. 1 from its present location at 35 Glenwood Ave. into new and larger quarters at 1111 Currie Ave. The branch will do its own shipping effective that date. B. L. Nathanson is president and Charles M. Weiner is sales manager.

Gov't Complaint Delivered To Crescent Amusement Co.

Nashville, Tenn.—Notices of the complaint, with copies of the bill of charges, in the government anti-trust suit were delivered yesterday to the Crescent Amusement Co. (Tony Sudekum), Nashville, and affiliates: Cumberland Amusement Co., Strand Enterprise Corp., Lyric Amusement Co., Kentucky Amusement Co., Muscle Shoals Theaters, R. E. Baulch, Kermit C. Stengel, Louis Rosenblum, and all of the major distributors except Columbia.

The complaint is answerable in the United States District Court here on or before Sept. 13 and there is no indication locally of any extension or delay in a hearing.

George H. Armistead, Jr., and McConico, Hatcher & Waller have been engaged as attorneys for the Crescent Amusement Co. and certain affiliates. Cornelius, McKinney & Gilbert, also of Nashville, will represent certain other affiliates.

Second Swing of Kent Drive Gets Under Way on Coast

Second swing of the annual 20th-Fox Kent Drive gets under way today in Los Angeles with a meeting at the branch there. Herman Wobber, general manager of distribution, and M. A. Levy, drive leader, will jointly conduct meetings in Los Angeles, San Francisco, Portland, Salt Lake City and Denver, with Wobber returning directly to New York from Denver, arriving here September 5.

In Denver Levy will be joined by W. J. Kupper, western division manager, for the duration of his tour in Kupper's territory. W. C. Gehring and William Sussman, central and eastern division managers, will accompany Levy in their respective territories during his trip. This trip the number of meetings will be smaller than previous drive swings as several branches will be present in one meeting in several locations.

ITO of So. Calif. Favors Further Code Negotiations

West Coast Bureau of THE FILM DAILY Los Angeles—At a meeting of the board of directors of the Independent Theater Owners of Southern California yesterday relative to the Trade Practice Code, Albert Galston, president, proposed that the unit continue further meetings with William F. Rodgers, chairman of the Code Committee, upon his arrival here next week.

The board concurred in Galston's recommendation.

Chicago Operators' Union Seeks 20% Wage Boost

Chicago—Officials of the Chicago operators' union have announced that they will ask an increase of 20 per cent in the new wage scale contracts which are to be negotiated Sept. 1.

Union officials this week are discussing the new pact with local circuits and representatives of Allied.

COMING AND GOING

WILLIAM F. RODGERS, Metro's sales chief leaves Chicago today for the Coast, but returns to Chicago next week.

HERMAN WOBBER, 20th-Fox's general manager of distribution, returns here from the Coast on Sept. 5.

JAMES CAGNEY leaves Hollywood on his way for his Martha's Vineyard home, following completion of his role in Warners' "Roaring Twenties."

MAUREEN O'SULLIVAN, accompanied by her sister SHEILA, and OSCAR HOMOLKA, British actor, and his bride, sailed for Europe yesterday on the Queen Mary.

EDDIE O'CONNOR, M-G-M manager in Cuba is here for several weeks' vacation.

EDWARD JOHNSON, general manager of the Metropolitan Opera Co., and EFREM KURTZ, the conductor, sail for Europe today on the Ile de France of the French line.

D. M. ALEXANDER, in charge of all production for his brother, J. Don Alexander, arrived from Europe yesterday on the Exeter, following a vacation and a tour of the Mediterranean.

S. S. KELLER of the Warner home office auditing department has arrived in Hollywood.

VERA ZORINA, screen and stage star, arrived here this morning on the Twentieth Century after completing her role in Warners' "On Your Toes." She is scheduled to sail with her husband, GEORGE BALANCHINE, for a European vacation in a week or 10 days.

LAURENCE OLIVIER left last night for Hollywood to assume the leading male role in Selznick International's "Rebecca."

CHARLES SIMPSON, manager of the Camel Theater, Anniston, Ala.; FORNEY BRICE, associated with the Ritz Theater, Anniston, Ala.; PARRY BURKE, division manager for the Minnesota Amusement Co. in Minneapolis; FANNIE SLEPIAN, secretary to M. A. Lightman of the Malco Circuit, and CLARA KAPLAN of Memphis, Tenn., were recent visitors at Paramount's World's Fair lounge.

MR. and MRS. L. C. TIDBALL, Isis Theater, Ft. Worth, Texas; SIDNEY SCHATZ, Sheridan Theater, North Chicago, Ill.; TOM NORMAN, Pal Theater, Palatine, Ill.; H. C. ORR, Orr Circuit, Coventry, England; MR. and MRS. J. K. BUCKNER, Palace Theater, Grapevine, Texas; K. B. RADER, Arcade Theater, Newark, Ohio; RUSSELL MASTERS, manager of the Diamond Theater, Bowling Green, Ky.; A. E. DIEHL, Criterion Theater, St. Louis, Mo.; S. W. NEALL of the Indiana Theater, Kokomo, Ind.; MR. and MRS. J. C. CHATMAS of the Palace and Strand Theaters, Marlin, Tex.; H. C. VALENTINE, director of advertising for the Wilder Theaters, Norfolk, Virginia, and his wife; MR. and MRS. H. G. BARBEE, Jr., of the Lichtman Theater, Southern district manager, Norfolk, Va.; NATHAN SANDLER, Northwood Theater, Northwood, Iowa; MRS. CARSON SOLOWAY of the Paramount and Bloorde Theater, Toronto, were recent visitors at RKO Radio's exhibitors' lounge.

Ed Livingston Dies

Lincoln, Neb.—Ed Livingston, brother of the veteran exhib. Bob Livingston here, died in Pittsburgh, Pa.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 24
H. J. Yates
Victor Halperin

Front page flash from N.Y. World-Telegram (typical of news coverage) as New York went wild!

10,000 Wait in Line To See Wizard of Oz

Fans Circle Block Standing Four Abreast

Thousands of women and children, with a few men sprinkled among them today surrounded the block in which the Capitol Theater is located, waiting in line to see the Wizard of Oz on its opening day.

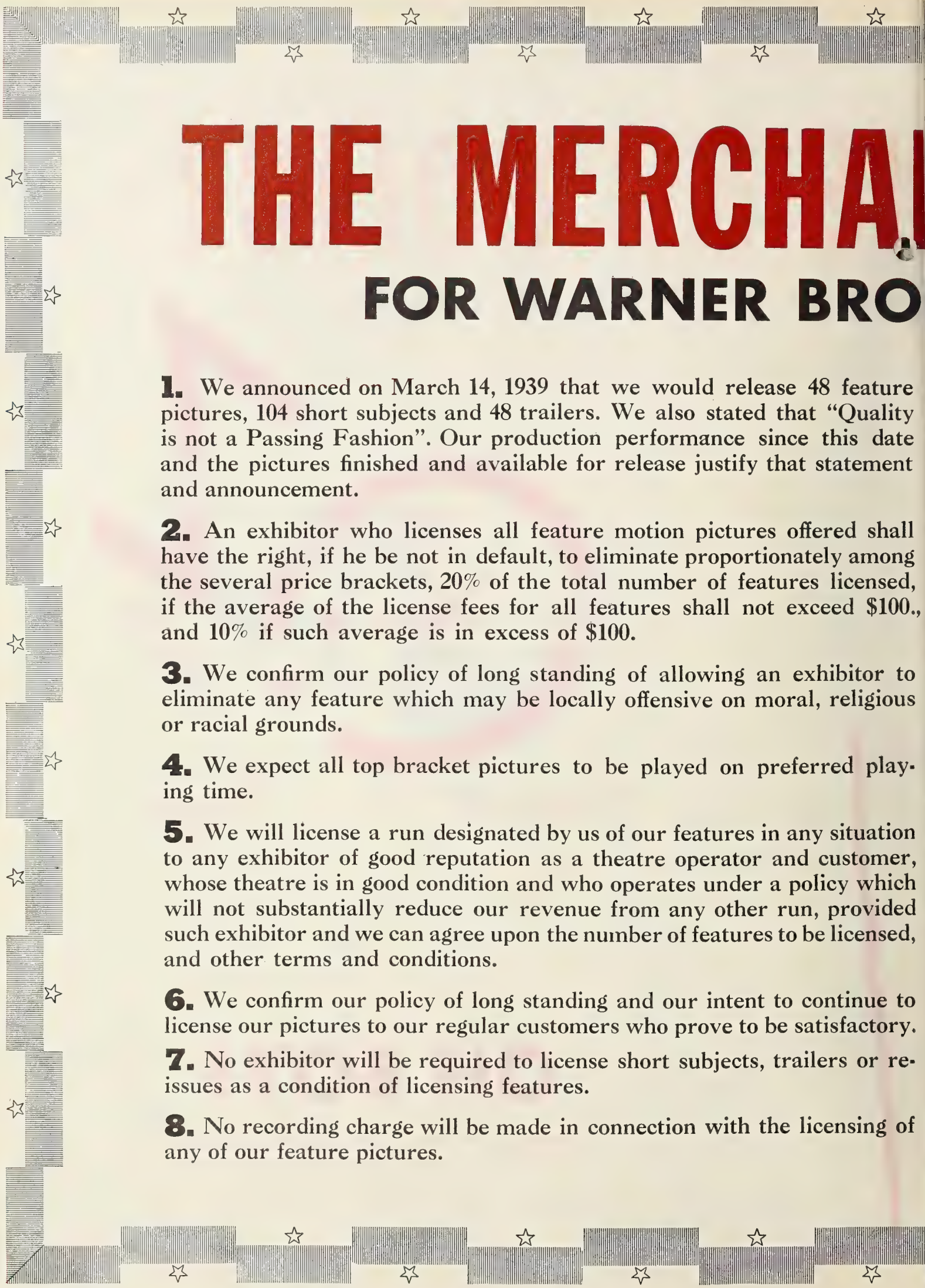
The line began to form before 8 A. M. and when 6,000 marched into the theater, when the doors opened at 8:45, there still remained a line in which there were 4,000 movie fans, police estimated, and 20,000 by the estimate of the theater's press agent.

The line, which 100 police controlled, began at the box office; extended north to 51st St., east to Eighth Ave., south to 50th St. and west to Broadway.

For most of its length people were standing four abreast. Broadway showmen who happened by stared in amazement. They commented that the Wizard was the biggest hit since Snow White and might turn out to be even a greater draw.



OH BOY!



THE MERCHANT

FOR WARNER BROS.

1. We announced on March 14, 1939 that we would release 48 feature pictures, 104 short subjects and 48 trailers. We also stated that "Quality is not a Passing Fashion". Our production performance since this date and the pictures finished and available for release justify that statement and announcement.

2. An exhibitor who licenses all feature motion pictures offered shall have the right, if he be not in default, to eliminate proportionately among the several price brackets, 20% of the total number of features licensed, if the average of the license fees for all features shall not exceed \$100., and 10% if such average is in excess of \$100.

3. We confirm our policy of long standing of allowing an exhibitor to eliminate any feature which may be locally offensive on moral, religious or racial grounds.

4. We expect all top bracket pictures to be played on preferred playing time.

5. We will license a run designated by us of our features in any situation to any exhibitor of good reputation as a theatre operator and customer, whose theatre is in good condition and who operates under a policy which will not substantially reduce our revenue from any other run, provided such exhibitor and we can agree upon the number of features to be licensed, and other terms and conditions.

6. We confirm our policy of long standing and our intent to continue to license our pictures to our regular customers who prove to be satisfactory.

7. No exhibitor will be required to license short subjects, trailers or re-issues as a condition of licensing features.

8. No recording charge will be made in connection with the licensing of any of our feature pictures.

BOOKING POLICY

1939-40 SEASON

9. To assist in the booking problems of our customers, and for the mutual benefit of our customers and ourselves, it is our intention to hold a number of test exhibitions of pictures in order fairly to establish their proper price bracket allocation, and we will allocate features to particular price brackets not later than 14 days after the national release date thereof, to first run exhibitors in those cities which we may use as "Test Cities" and to all others, on giving notice of the availability of each feature.

10. We have never at any time coerced or intimidated any exhibitor to license our pictures by threatening to build or otherwise acquire a competing theatre, and we will never do so. It is our belief that the quality of our pictures and the high standard of our production create a demand for our pictures.

11. For over five years it has been our policy to arbitrate with any customer desiring so to do, all claims and controversies which may arise under our license agreements, and our form of license agreement contained an optional arbitration provision. We will continue to give to each of our customers the option to arbitrate all such claims and controversies.

12. Clearance is an absolute necessity in the conduct of our business and we therefore intend to continue our policy to negotiate with each of our customers for clearance reasonable as to time and area.

This policy will apply for the motion picture season 1939-40 and to all license agreements covering the 1939-40 products made after Jan. 1, 1939.

Gradwell L. Sears

President, VITAGRAPH, INC.

**Distributor of Warner Bros. and First National
Feature Pictures and Vitaphone Short Subjects**

MAJORS PREPARING FOR WAR IN EUROPE

(Continued from Page 1)

uation closely as immediate revision of budgets will be necessary if European distribution is closed down.

A survey of the foreign departments yesterday revealed that they were all "to meet the issue when it comes and take whatever steps necessary." In the case of Metro they are now completing a new exchange in London with a bomb-proof shelter and all companies have arranged for storage space in bomb-proof vaults outside of London for their films following an edict of the British government some time ago that they must be moved from War-dour Street in the event of war.

Bombproof shelters have also been installed by other London exchanges and in the case of several majors a thorough evacuation plan for all their employes has been worked out. Despite the threatening aspects of the latest of the European "crises" shipping is being continued on regular schedules and no company has held back any prints slated for European countries.

Declaration of Australia yesterday that if England fights she will have Australia at her side presented a further problem in addition to the European countries that may be involved. However, several late reports in foreign offices last night contained some degree of optimism regarding the situation.

N. Y. Women's Clubs to Join Industry's Birthday Drive

(Continued from Page 1)

and community centers, newspaper publicity, incorporation of historical material into programs of motion picture appreciation classes, essay contests, use of radio, dinners and public mass meetings.

In her letter to the chairmen, Mrs. MacCoy said the 50th anniversary celebration offered an opportunity for her organizations to celebrate what has been accomplished by motion pictures and to actually show what has been done by women to raise the standard of pictures.

WEDDING BELLS

Indianapolis—Andrew F. Ross, son of Mrs. David Ross, president of the Indiana Indorsers of Photoplays, was married recently to Regina Elizabeth Collignon of Danville, Ill.

Minneapolis—Donald Nathanson, the son of B. L. Nathanson, president of the Minneapolis branch of Monogram, will be married Sunday to Miss Evelyn Hoberman.

Manchester, N. H.—Fenton D. Scribner, manager of the Crown and Strand theaters here, was married to Miss Eleanor Jones, a Manchester girl, at St. Joseph's rectory.

ALONG THE



WITH PHIL M. DALY

● ● ● A LITTLE bit of fairy-tale whimsy is about to gladden the hearts of the kids of the land.....coming right to their doorsteps..... it is unique in the annals of showmanship stunts.....in that it allows the youngsters to actually participate.....and play the roles of the characters in the fairy tale.....

● ● ● IT IS known as the Wizard of Oz Tour.....a creation of the fertile imagination of Billy Ferguson.....which Captain Volney Phifer will handle on the road in the next two months starting Monday.....routed via Boston, the New England States, Albany, Buffalo, Cleveland, Cincinnati, Indianapolis, Chicago, Milwaukee, St. Louis, Omaha and Des Moines.....the Tour will cover all theaters booking "Wizard of Oz" in those territories.....

● ● ● A SPECIAL motor van has been constructed which also serves the purpose of an exhibition float.....within the van is transported the original two black ponies in the production, along with the phaeton that carried Dorothy and her pals.....arrived at a theater situation hooked in on the Tour, the ponies and phaeton are used to transport local youngsters lucky enough to be chosen to impersonate the Wizard, Scarecrow, Tin Woodman, Cowardly Lion and Dorothy.....the costumes of these characters are donned by the kids selected.....and then they are off on a gay party starting from the theater, visiting children convalescing in hospitals.....bringing the shut-ins a little of the joy that they would experience if they could see the film production.

● ● ● THIS beaucoup stunt has a score of intriguing angles.....tie-ups with stores in gifts for the hospital kids, civic affairs and celebrations, newspapers, street parades.....it is a cinch that it will have all the kids fighting for a chance to play the roles of the Oz characters.....and for word-of-mouth advertising of a screen attraction we can't conceive of anything more overwhelming than all the youngsters in a town talking about it in their homes.....which is what is bound to happen on this clever stunt.

● ● ● TODAY is the Big Day for Scranton, Pa.....with the arrival of the Gloria Jean Special from New York carrying over 100 newspaper men and women.....covering the Universal premiere of "The Under-Pup" this evening at the Strand theater in Scranton.....the press delegates are from all the key spots from Boston to Atlanta along the Atlantic coast.....today and tomorrow will be gala days for this city.....2,000 miners have gone on "strike" in this anthracite community as a welcome stunt to Gloria Jean, the 11-year-old youngster who left Scranton a short eight months ago to zoom to stardom overnight.....they will be on hand with the rest of the city to greet her at the station.....26 major coal companies are giving the miners the day off.

● ● ● TIP to Showmen.....M & P theater execs. up in the New England sector are pulling a neat stunt with the showing of Paramount's current Bing Crosby film, "The Star Maker".....in the sequences where Crosby invites the audience to join in on the singing of "School Days" they found that by running the fader down the entire audience could be heard singing.....sorta reminds one of the days when the organist suddenly stopped in the midst of a songfest and caught the audience singing out loud..... they are going strong for the stunt in the M & P houses.....

EXPECT 100% GAIN IN DRIVE-INS IN '40

(Continued from Page 1)

Detroit, 450; Cleveland, 450; Miami 400; Union, N. J., 400; Weymouth Mass., 500; Long Island, 500; Baltimore, 450; Washington, 450; Augustus, Mass., 400; Shrewsbury, Mass. 350; Milford, Mass., 350; Providence 350; Atlanta, two with 75 each; and Savannah, 250. Some 20 additional theaters in various parts of the country have been assured by building plan licenses.

Total car capacity is 6,250, and total patron capacity, figured on the basis of five persons per car, is 31,250, which means that with only two shows per night, exclusive of patrons not attending in automobiles, more than 60,000 entertainment seekers are accommodated nationally, or more than 400,000 per week on a schedule of seven nights of operation.

W. W. Smith, president of Park-In Theaters, Inc., headquartering in Camden, N. J., which company is leading exponent of the drive-in "house," points out that the screen-size for a drive-in theater depends upon the capacity of the theater, and that a minimum screen is 25 ft. by 35 ft., while maximum used is as high as 50 ft. by 60 ft.

The original Park-In Theater, Smith adds, started with a bulkhead, whereas the latest theaters have drive-over ramps, permitting cars to drive over from one ramp to another. An additional improvement just perfected provides for one drive-way serving two ramps. The original drive-in called for approximately 10 acres of land and provided a 400-car capacity, but with new method of designing, the same number of cars can be placed in five or six acres.

\$5,000,000 Program is Set At Eastern Service Studio

(Continued from Page 1)

reported to be exclusive of story properties.

The first important contract between Broadway theater sources and the local film industry was announced last week by Frank Speidell, president of Eastern Service, who reported the signing of the Wildberg-Skirball deal for three pictures. Three others are to be made by Lee Garmes. Other deals involving Broadway interests are reported to be in the making.

Financing of these Eastern productions has been arranged through Speidell.

Steffes in Radio

Minneapolis—W. A. Steffes, president of Northwest Allied, is vice-president of a new corporation that has filed application with the Federal Communications Commission for permission to operate a local 1,000-watt day and night radio station in Minneapolis.

To important people—

About important people—

By important people—

Yesterday

Today

Tomorrow

of the motion picture industry

THE *Film*
DAILY

CAVALCADE

"A Permanent Edition Commemorating the Golden Jubilee of the Motion Picture Industry"

now in preparation and soon ready for distribution to all

FILM DAILY SUBSCRIBERS

WB "STREAMLINES" ITS SELLING PLANS

(Continued from Page 1)

p.c. if such average is in excess of \$100." Sears, at a press conference last night, asserted that the 20 p.c. cancellation provision would apply to approximately 89 p.c. of its accounts.

The statement was issued in an endeavor to clarify the company's position and dispel, as far as Vitagraph, Inc., is concerned, the widespread confusion and divergence of opinion now existing in the motion picture industry. The policy was set forth in a declaration of the company's intent in 12 enumerated points. It covers the 1939-40 product made after Jan. 1, 1939.

The 12 points embodying the company's policy were outlined as follows:

1. We announced on March 14, 1939 that we would release 48 feature pictures, 104 shorts subjects and 48 trailers. We also stated that "Quality is not a Passing Fashion." Our production performance since this date and the pictures finished and available for release justify that statement.

2. An exhibitor who licenses all feature motion pictures offered shall have the right, if he be not in default, to eliminate proportionately among the several price brackets, 20 per cent of the total number of features licensed, if the average of the license fees for all features shall not exceed \$100, and 10 per cent if such average is in excess of \$100.

3. We confirm our policy of long standing of allowing an exhibitor to eliminate any feature which may be locally offensive on moral, religious or racial grounds.

4. We expect all top bracket pictures to be played on preferred playing time.

5. We will license a run designated by us of our features in any situation to any exhibitor of good reputation as a theater operator and customer, whose theater is in good condition and who operates under a policy which will not substantially reduce our revenue from any other run, provided such exhibitor and we can agree upon the number of features to be licensed, and other terms and conditions.

6. We confirm our policy of long standing and our intent to continue to license our pictures to our regular customers who prove to be satisfactory.

7. No exhibitor will be required to license short subjects, trailers or re-issues as a condition of licensing features.

8. No recording charge will be made in connection with the licensing of any of our feature pictures.

9. To assist in the booking problems of our customers, and

GCS Circuit Offering Premium Deal In House-to-House Canvass for Business

Chicago—The GCS circuit is trying out a house-to-house canvass for more business for its nabes. Circuit is using a combination-deal-of seven piece cutlery set in the drive, which has been fairly successful. The tickets are good for all shows, except Saturday and Sunday performances.

Divorcement Plan Up to Distrib. if Gov't Wins Suit

(Continued from Page 1)

on the ways and means and possibly pointing out what errors must be avoided.

Considerable interest was aroused additionally by the report that the D of J at the present time neither holds the view that the theaters should be sold, nor has any concrete idea as to how the process of divorcement could be effectuated constructively.

Government, according to the reports circulated, appears to recognize that, while divorcement is essential from the standpoint of principle, there are definite pitfalls in bringing about the result in practice. Among the latter are both the shattering of the film theater realty market, and the obviously adverse affect which sudden and unequivocal divorcement would have on stockholders in the enterprises.

for the mutual benefit of our customers and ourselves, it is our intention to hold a number of test exhibitions of pictures in order fairly to establish their proper price bracket allocation, and we will allocate features to particular price brackets not later than 14 days after the national release date thereof, to first-run exhibitors in these cities which we may use as "Test Cities" and to all others, on giving notice of the availability of each feature.

10. We have never at any time coerced or intimidated any exhibitor to license our pictures by threatening to build or otherwise acquire a competing theater, and we will never do so. It is our belief that the quality of our pictures and the high standard of our production create a demand for our pictures.

11. For over five years it has been our policy to arbitrate with any customer desiring so to do, all claims and controversies which may arise under our license agreements, and our form of license agreement contained an optional arbitration provision. We will continue to give to each of our customers the option to arbitrate all such claims and controversies.

12. Clearance is an absolute necessity in the conduct of our business and we therefore intend to continue our policy to negotiate with each of our customers for clearance reasonable as to time and area.

This policy will apply for the motion picture season 1939-40 and to all license agreements covering the 1939-40 product made after January 1, 1939.

"U" Insures Delivery of Two Pix with Emergency Budget

(Continued from Page 1)

and "Green Hell," the two last pictures scheduled for release during the current Exhibitor-Sponsored Testimonial drive. These pictures are scheduled for October 27 and October 20 respectively, and the production department will permit no exigencies to upset this schedule.

Marlene Dietrich left for the coast with but a single day stop over in New York upon return from Europe, and will start to work in the Destry picture immediately. James Stewart is co-starred with her. "Green Hell" is the first of the deliveries that Harry Edington will make for Universal, with Douglas Fairbanks, Jr. and Joan Bennett starred.

SEC Reports Light Trading In Film Securities in July

(Continued from Page 1)

Washington Bureau of THE FILM DAILY
Washington—Trading in film securities was extremely light from July 11 to July 31, according to the report of the SEC yesterday. Lone company to file in the Commission's semi-monthly summary of security transactions and holdings was Universal Corporation. Nathan J. Blumberg was reported as adding 300 common voting trust certificates to his holdings, bringing his total certificate holdings to 500.

Elect Sol Lesser President of Lubitsch Productions

(Continued from Page 1)

Sol Lesser, president; Ernst Lubitsch, vice-president and secretary; Louis Lurie, treasurer. Dr. A. H. Giannini has been added to the board of directors.

Lubitsch will produce and direct his own pictures under the new set-up. He joins Sol Lesser early in January after he completes "Shot Around the Corner" for M-G-M.

United Artists will release the company's productions.

Sidney Howard Killed

Tryingham, Mass.—Sidney Howard, playwright, 48, was killed at his summer home here yesterday when a tractor he was cranking started up and crushed him under the wheels. Howard wrote many Broadway play hits, including the 1925 Pulitzer prize play, "They Knew What They Wanted."

Metro-Minn. Amuse. Deal

Chicago—William F. Rodgers has closed a deal with the Minnesota Amusement Co., for M-G-M product for next season. Rodgers leaves today for Hollywood. He expects to return here next week.

AFA COUNCIL MEETS; NO ACTION IS TAKEN

(Continued from Page 1)

beyond what it had previously considered.

Report of its representative to the Executive Council meeting the A F of L in Atlantic City was heard as was Harry Richman's explanation of his purpose in appealing to Actors Equity for delay in its "trial" of Sophie Tucker, AF prexy.

It was learned that Miss Tucker definitely will not appear before Equity at 2 p.m. today when her trial is to take place, as Equity has continued to refuse her request that her attorney be present.

Harry Richman, who was scheduled to appear before Equity Council on Tuesday, has asked for a postponement of the hearing as he leaves this week for an engagement in Chicago.

At the AFRA annual convention which opens today in Chicago, a vote is to be taken on a resolution which would put it on record as favoring one big actors' union instead of the 11 separate unions into which amusement employees are now divided. I will also study reports on the action of the A F of L Executive Council in Atlantic City last week.

Last night Richman issued a statement explaining his appeal to Equity, in which, after stating that he backed Miss Tucker and Ralph Whitehead, 100 per cent in their acceptance of the A F of L decision, he stated:

"It was as an individual, a performer, that I went over to Equity on Monday to attempt to get Equity Council to make one last effort to induce the AAAA to reconsider its uncompromising position. I had no definite plan to offer. I was merely acting as one performer who doesn't want to see the little people of show business experience the real trouble they will find if some kind of peaceful agreement is not reached."

Cinecolor Prints on Single Coated Stock Ready Shortly

(Continued from Page 1)

side of the film only, it was announced yesterday by A. L. McCormick, president of Cinecolor, Inc. Prints on single coated stock can be made from color negative exposed by any method through Cinecolor's exclusive new patented process, he said.

With the new type prints, McCormick stated, refocusing of the projector will be unnecessary and sharper images will result. Possibility of scratches is reduced 50 per cent with emulsion on one side of the film only, he said, adding that Cinecolor has also found great reduction of grain with the single coated stock. Splicing of color film on single coated stock is done the same way as black and white splicing, one side only is scraped.

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International in Scope
Independent in Thought

THE FILM DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 39

NEW YORK, FRIDAY, AUGUST 25, 1939

TEN CENTS

Film Stocks Holding Firm in Face of European Crisis MAJOR EXECS. SILENT ON WARNER SALES POLICY Oklahoma Exhibs. Getting Ready for Good Fall Biz

Trend to Single Features in Oklahoma is Indicated by Fall Bookings

By ERNEST W. FAIR

FILM DAILY Staff Correspondent

Oklahoma City — Top-notch pictures continue to draw the heavy box-office grosses in this state while run-of-the-mill product suffers in most situations. Oklahoma has gone strong and is still hitting highs on the big outdoor films such as "Union Pacific," "Dodge City," etc., and is still one of the best markets in the nation for romantic action dramas. In very few spots are smart drama and musicals finding anything at all and in some situations this type of picture is setting new b. o. lows.

(Continued on Page 6)

TELEVISION'S PUSH WAITS TILL AUTUMN

Second big push of the television industry in this country will start this fall with a concentrated drive being instigated by manufacturers of equipment for programs in quantity with entertainment that can be sold to television audiences, particularly.

(Continued on Page 6)

Del. House Acts to Bring Blue Law Up to Date

Wilmington, Del.—The House of Representatives at Dover yesterday passed a concurrent resolution calling for the appointment of a nine-member commission to report to the 1941 legislative session of the General Assembly on the proposal to

(Continued on Page 6)

Judell Opening Branches Oct. 1 In Eight Centers

West Coast Bureau of THE FILM DAILY
Hollywood—Franchises for eight additional territories have been awarded to B. N. Judell, Inc., by Pro-

(Continued on Page 7)

RCA Sound Sales 10-15% Ahead of Last Year; Business Good in the South, Snook Reports

Sales on RCA sound equipment are running 10-15 p.c. ahead of the corresponding period last year, with the increase coming mainly from Southern theaters, according to Homer B. Snook, in charge of reproducer sales. Following a tour of the Southern states, Snook reported that there appeared to be an "epidemic" of new theater construction, renovations and replacements of equipment. Exhibitors, he found, were optimistic over Fall business, despite war scares.

DISMISSAL OF TRUST CASE SOUGHT BY RKO

Irving Trust Co., as trustee of RKO, was authorized yesterday by Federal Judge Samuel Mandelbaum to hire William Marshall Bullitt, of Louisville, Ky., to take steps to obtain dismissal of an anti-trust suit brought in the U. S. Eastern District Court of Kentucky by Harry Schwartz and George Myers, trading

(Continued on Page 6)

James Roosevelt to Survey Producer Problems for MPPA

West Coast Bureau of THE FILM DAILY
Hollywood — Joseph M. Schenck, president of the MPPA, late yesterday announced that in accordance with the expressed will of the association that he has invited James Roosevelt to make a special study of the problems concerning producers in their Hollywood studios, in-

(Continued on Page 6)

INDUSTRY SEES HOPE IN ARGENTINE PACT

Announcement by the State Department that a U. S.-Argentina trade pact is due for negotiation shortly was received yesterday by major and indie film companies with satisfaction and the expressed hope that the commercial rapprochement between the two countries would mean an improved economic status for features and shorts of Hollywood making.

It is pointed out that under the

(Continued on Page 3)

Walkout of Boston Ushers Goes into its Third Week

Boston—State Labor Board met yesterday afternoon to consider again the pros and cons of the IATSE-M & P Theaters Corp. controversy. Affiliated theater ushers want five-day, forty-hour week. Picketing continued

(Continued on Page 3)

Only Fractional Drops Recorded On Film Stocks as Others Dive

Gives Industry Till Oct. 4 for Argentine Pact Proposals

Washington Bureau of THE FILM DAILY
Washington—The motion picture industry has until Oct. 4 to submit recommendations on possible changes in tariff laws between the U. S. and Argentina under a reciprocal trade

(Continued on Page 6)

Mounting tension in Europe yesterday saw the New York stock market break nearly five points in the first hour of trading to lowest levels since early July, but rebound sharply, with film issues holding firm at day's close.

Only fractional drops were recorded in final quotations of virtually all major motion picture stocks,

(Continued on Page 3)

Understood Warner Plan Is Being Considered by Other Majors

Announcement of Warner Bros.' sales policy, embodying points included in the trade practice code, brought no comment from major company heads yesterday. While none came out with any statement that similar action would be taken, it was indicated that the Warner policy was being studied carefully.

It was pointed out by an industry attorney early this week that it was likely that parts of the proposed code would be salvaged and incorporated in major companies' selling plans.

Exhibitor reaction was favorable. Col. H. A. Cole, president of Allied,

(Continued on Page 3)

SUSPEND MISS TUCKER; INTRA-UNION WAR ON

Hopes of a peaceful settlement of the intra-union jurisdictional battle between the AAAA and the IATSE-AFA coalition went glimmering last night when Sophie Tucker was indefinitely suspended by Equity and IA prexy George E. Browne sent wires to all of the International's locals throughout the

(Continued on Page 6)

IA Said to be Rejoining Studios' Basic Contract

With the signatories of the studios' basic pact set to huddle in Newark today at the Robert Treat Hotel, it was reported late last night that

(Continued on Page 3)

Max Fleischer to Produce Another Feature Cartoon

Highly satisfied with the first color rushes on Paramount's "Gulliver's Travels," Max Fleischer yesterday laid plans for a second full length

(Continued on Page 3)

THE **Film** DAILY

ALL THE NEWS
ALL THE TIME

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Chg.
Am. Seat. 11	10 1/4	10 1/4	10 1/4	+ 1/8
Col. Picts. vtc. (2 1/2%) 7 1/4	6 3/4	7 1/4	7 1/4	+ 1/8
Columbia Picts. pfd.				
Con. Fm. Ind.	9 1/4	8 7/8	9 1/4	- 1/4
Con. Fm. Ind. pfd.	161	156	159 1/8	- 3 3/8
East. Kodak do pfd.	93 1/4	93 1/2	93 1/2	- 3/8
Gen. Th. Eq.	39 1/4	38	39	- 7/8
Loew's, Inc.				
do pfd.	7 3/4	7 1/8	7 3/4	
Paramount	9	8 3/4	8 7/8	- 1/8
Paramount 1st pfd.	9 3/8	8 3/8	9	+ 1/8
Paramount 2nd pfd.	15 1/2	15 1/2	15 1/2	- 1/4
Pathe Film	17 1/2	17	17	- 3/8
RKO				
20th Century-Fox				
20th Century-Fox pfd.				
Univ. Pict. pfd.	4 1/8	4	4 1/8	- 3/8
Warner Bros.	47 1/2	47 1/2	47 1/2	- 3 1/2
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100	99 5/8	99 5/8	- 7/8
Loew's deb. 3 1/2s46	102 7/8	102	102	- 7/8
Para. B'way 3s55	50	50	50	
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	90 1/4	89 3/4	89 3/4	- 1/2
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	87	86	86	- 3

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1	1	- 1/2
Sonotone Corp.	13 1/8	13 1/8	13 1/8	
Tehnicolor	13 3/4	12 3/4	13	- 1
Trans-Lux	1 1/4	1 1/4	1 1/4	
Universal Corp. vtc.	3 5/8	3 1/2	3 1/2	- 1/8
Universal Picts.				

Wolfson Wins Election

Miami Beach—Mitchell Wolfson, of the Wometco Theater Corporation, has taken his seat on the Miami Beach city council following a recount of ballots in the election June 6.

SAFETY LLOYDS

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SECURITY

Zanuck Ordered to Testify in Robert Sherwood's Suit

Darryl F. Zanuck was ordered to testify before trial in Los Angeles on application of Robert E. Sherwood and the Playwrights' Producing Co., Inc., by New York Supreme Court Justice Thomas Noonan yesterday.

Examination is in reference to the Sherwood and Playwrights' suit against 20th-Fox Film Corp., which charges unfair advertising of the film "Young Mr. Lincoln" and alleges plagiarism of the Sherwood play "Abe Lincoln in Illinois."

The order was conditioned upon the plaintiffs paying reasonable expenses and disbursements of the examination.

Studio Technicians and IA To Vote in Mid-September

Hollywood—It is expected that the NLRB election, at which United Studio Technicians Guild and IATSE members will vote to designate a sole bargaining agency, will be held shortly after September 15. It will be the biggest labor election held West of the Mississippi and the NLRB will send 20 to 30 aides from Washington to help supervise.

Tri-States Plan to Open Omaha Paramount Theater

Omaha—Tri-States Theaters are planning on opening Paramount Theater here this Fall as a second-run house with 15-cent matinee and 25-cent top at night.

Theater was once town's show-place but has been a "white elephant" house the last few years. House is about 11 years old and seats 3,000.

Republic Closes Product Deal with Schine Circuit

Republic has closed a deal with the Schine circuit for the entire 1939-40 program. Deal calls for the showing of the lineup in Schine's 122 theaters in New York, Ohio, Maryland and Delaware.

It was also announced yesterday that Republic's "Man of Conquest" had been sold to the Panama territory, with immediate engagements at the Tropical Theater, Panama City, and the Rex in Colon.

Bracker Joins Bakers

Paramount announces the resignation of Murray Bracker who has been associated with Harry Royster, of Paramount's "Gulliver's Travels" licensee division, effective tomorrow. Bracker leaves Paramount to become associated with the Bakers Research Bureau, division of Bud Fox Enterprises, Inc. as director of sales, with offices at 250 Park Avenue.

WB Set Chi. Circuits

Chicago—Hamline and the Alger circuits have signed for Warner product for the new season. Negotiations are under way with other circuits, both down state and in the city.

Tell NLRB Two Producers Fought Screen Writers' Guild

West Coast Bureau of THE FILM DAILY

Los Angeles — Testifying at the NLRB hearing in which producers are charged with refusing to recognize the Screen Writers' Guild as the sole bargaining agency for writers, Horace McCoy, now a scenarist at Paramount, declared that in 1936 when the Guild amalgamated with the Authors' League of America, a meeting of Universal writers was called by a Universal executive and blank forms providing for resignations from the Guild were distributed.

Ferdinand Reyher, a writer, stated that Sam Briskin called a meeting of Columbia writers and voiced strong opposition to the amalgamation of the Guild with the Authors' League.

William Conselman, a member of Screen playwrights with which producers signed a five year contract, testified that so far as he knew the organization never had a majority of the writers.

Pacific National Theaters Answers Bill for Receiver

Wilmington, Del.—Pacific National Theaters, Inc., has filed in the New Castle County Court of Chancery here an answer to the bill for the appointment of a receiver under Section 43 of the General Corporation Law, brought on July 7 by Margaret M. Stevens and W. Ernest Choate, the complainants.

Howard Duane, attorney for the complainants, entered a request for a decree despite the answer, after the latter had been filed.

Pacific National, through Caleb S. Layton of Richards, Layton & Finger, attorneys, in the reply filed August 10 in the office of Register in Chancery Anthony F. Emory, denies inability to carry on business and asks the court that complainants take nothing by reason of their bill of complaint, and that respondent be granted its costs and disbursements incurred in defending this action, and such further relief as the court may deem proper.

St. Louis Operators Seek Nick's Appeal Dismissal

Jefferson City, Mo.—Members of the St. Louis Local 143 of the Motion Picture and Projection Machine Operators Union have asked the Missouri Supreme Court to dismiss the appeal of International Vice-President John P. Nick of the IATSE from an order of the St. Louis Circuit Court ousting him from control over the local affairs and assets.

The attorneys for the protesting members attacked Nick's appeal on the technical ground that the records of the appeal was not in proper form.

Circuit Judge Ernest F. Oakley of St. Louis some weeks ago ousted Nick and Clyde A. Weston, business manager of Local 143, in a suit brought by 66 members of the local who were seeking local autonomy.

COMING AND GOING

SPYROS SKOURAS, National Theaters head, returned to New York yesterday after a visit to the company's division headquarters throughout the country.

SAM E. MORRIS, Warner vice-prexy, is delaying his departure from Rio de Janeiro for Buenos Aires in order to attend the Rio festival of "Juarez."

JAMES R. GRAINGER, Republic prexy, leaves Chicago today by plane for Los Angeles.

NORMAN H. MORAY, Vitaphone sales manager, returns from Philadelphia today after conferring with branch personnel there.

H. M. WARNER, HARRY COHN, DAVID ROS and DAN CARROLL are scheduled to arrive here Labor Day on the Queen Mary.

ERROL FLYNN and his sister, ROSEMARY, arrive at the Waldorf.

JACK TROP leaves for the Coast tomorrow.

RALPH AUSTRIAN, of RCA Manufacturing Corp., returns to New York this week-end from a vacation.

MILTON WEISS, of Metro's publicity department, leaves tomorrow for a vacation on the Coast.

FRANCES GROSS, of THE FILM DAILY office, left yesterday for Mexico City.

SONJA HENIE, CONSTANCE BENNETT, RUSSELL MUTH, European head of Fox Movietone News, GEORGE RAFT and LEE SHUBERT arrive here Monday on the Normandie.

HERMAN FINKELSTEIN, of Schwartz & Froehlich, sails today on a cruise with his family.

LELAND HAYWARD is due in today from Hollywood and Kansas City.

JOHN BARCROFT, RKO Theaters publicist from Columbus, is in town.

LESTER COWAN flew to the Coast last night.

R. J. O'DONNELL yesterday planned to Dallas.

Ray Johnston Honored

Boston—Dinner was tendered here yesterday in the Georgian Room of the Hotel Statler to W. Ray Johnston, Monogram prexy by the local exchange. Steve Broidy, sales manager of the exchange, acted as host. Francis Lydon, Allied's Eastern vice-president, was among the speakers. Over 30 exhibitors were guests at the dinner. "One Eye" Connolly crashed the party by invitation.

3rd Week for "Old Maid"

"The Old Maid" starts a third week's engagement today at the Strand on Broadway.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 25

Victor Heerman John R. Bray
Ruby Keeler James R. Cowan

AUGUST 26

Richard Wallace Alice White

AUGUST 27

Jack Livingston Bert Ennis
Lester Elton Frank Heath
M. S. Bergerman Kay York

FILM STOCKS FIRM IN FACE OF CRISIS

(Continued from Page 1)

he changes being of such modest proportions that declines could scarcely be differentiated from a day of fluctuations.

Opinion in Wall Street circles was generally that, while the European situation was acute, it was not critical. Confidence was expressed that sanity and a solution would prevail.

Discussing film aspects of the financial picture, Wall Street observers saw only a contingent barrier to the issuance by the new RKO Corp. of its proposed common stock. According to the Atlas-RKO agreement, evidenced by a letter approved by RKO, Atlas may, in its discretion, by notice to RKO, terminate the agreement if prior to the date of making the offer to creditors and Rockefeller Center a war in Europe should be commenced or seem so imminent that there shall have occurred a general severe depression in the market value of the securities."

Financial circles contend that until hope for peace is abandoned, flotation should go ahead by Atlas immediately upon SEC's suggestion as to price together with termination of hearings before Special Master George W. Alger. Hearings are expected to commence next week, pursuant to the SEC report.

Film Industry Sees Hope in Pact with Argentina

(Continued from Page 1)

system of exchange control which has prevailed for some time in Argentina, European films have been imported generally at the favorable "official" exchange rate, whereas U. S. films must be paid for at the "free market" rate which has averaged 20 per cent higher. The better situation of countries competitive with the U. S. has been due to bilateral trade agreements effectuated between such countries and Argentina.

However, there has been no outright legislation which has discriminated against U. S. product. Now that a full-blown trade treaty is in the offing between Argentina's officialdom and the State Department in Washington, it is anticipated that conclusion of the pact will insure Hollywood pictures not only a more favorable exchange position, but will guard against the effects of potential restrictions should they arise.

B & K to Triple Premiere Fox's "Frontier Marshal"

Chicago—B & K will stage a triple premiere for 20th Century-Fox's "Frontier Marshal" at the Tivoli, Marbro and Uptown Theaters next week.

B & K is trying out first - runs for de luxe neighborhood houses.

ALONG THE



WITH PHIL M. DALY

—SCRANTON, PA.

● ● ● ONE week ago Gloria Jean was practically unknown..... today she flashes in the motion picture firmament as a dazzling little star.....this magic having been achieved through one of the most amazing build-ups cleverly concentrated in the few days prior to the premiere of her first picture....."The Under-Pup".....held last night in Scranton, Pa.....the 12-year-old youngster's home town.....

● ● ● BUT all the publicity cleverness and exploitation cunning of Universal's advertising brains would have fallen pretty flat.....IF Gloria Jean had not lived up to the build-up in her initial screen performance.....but we are here to state without any reservations whatsoever.....that the Kid from Koalville came through as sparkling and brilliant as the hard black diamonds they mine in this anthracite region.....

● ● ● YES, folks....."The Under-Pup" is a picture.....and Gloria Jean is altogether charming.....the typical American Girl.....all bubbling youth.....alive, impulsive, impish.....just plain lovable.....America will hug this kid to its heart.....

● ● ● AND did her home town give her a welcome!..... boy, oh, boy.....for downright spontaneous enthusiasm it beat anything of its kind we've ever witnessed.....when that special train arrived from New York with over 100 newspaper, fan and trade paper writers gathered from most of the key cities in the nation, they literally had to fight their way to the reception committee's cars.....

● ● ● POLICE lines were powerless.....the great square alongside the station was packed with thousands.....and thousands more jammed along the parade route.....which had to be extended to accommodate the crowds that far exceeded all expectations.....all Scranton seemed to have turned out to greet Their Gloria.....

● ● ● BUT the payoff was that demonstration staged spontaneously by the folks of Scranton at the ceremonies in which Gloria Jean was crowned Queen of Anthracite.....as she stepped out of the automobile a crown was placed on her golden head and a sceptre in her hand.....then she took her place upon a throne carved out of solid anthracite.....while thousands of people surged in from all sides.....broke police lines.....swept aside sturdy squadrons of husky coal miners in their picturesque caps with lamps attached, who were acting as a guard of honor.....the town's Mayor and Graham McNamee were trying to make speeches over a broadcasting mike....while a platoon of husky cops literally forced back the crowds that surged forward and threatened to overwhelm them and Gloria Jean on her throne of coal.....that immense throng had positively gone hysterical with excitement.....

● ● ● THEN the premiere in the evening at the Comerford Strand Theater.....another spectacle of wild enthusiasm that would cheer the heart of any showman.....the Picture?.....Gloria Jean?..... please refer to our review elsewhere in this paper.....take it from us, Exhibitors.....YOU have a B.O. Baby in this picture.....and Universal has a Million Dollar Baby in Gloria Jean.....

« « « » » »

MAJOR EXECS. SILENT ON WB SALES POLICY

(Continued from Page 1)

stated in a wire to THE FILM DAILY, that the Warner announcement was "probably commendable," modifying his statement with certain reservations.

Max A. Cohen, president of New York Allied, said that the Warner plan was the best proof that there was definite sincerity on the part of the distributors.

Warner Bros. field forces have been instructed to sell all product under the "streamlined" selling plan.

IA Said to be Rejoining Studios' Basic Contract

(Continued from Page 1)

the IATSE might sit in. It is possible that they decided yesterday to avail themselves of the invitation to rejoin and will appear at today's huddle.

Whether or not the unions will make demands for wage increases and the producers will counter with a request for decreases could not be learned last night. Last year's meeting proved to be a standoff with a demand for a 10 per cent increase by the unions countered by a similar demand for a 10 per cent decrease by the producers.

Max Fleischer to Produce Another Feature Cartoon

(Continued from Page 1)

cartoon feature to be made as a successor to the screen version of the Jonathan Swift satire.

Fleischer's corps of readers was directed to comb the field of fantasy for a suitable story. Some of the script writers were put at work making rough outlines of adaptations of stories listed by Fleischer.

Walkout of Boston Ushers Goes into its Third Week

(Continued from Page 1)

at the involved theaters as the strike went into its third week.

The trouble started August 10 when a group of union ushers walked out of the Metropolitan Theater.

Sept. 7 Projectionists' Day at the World's Fair

September 7 has been designated as Projectionists' Day at the World's Fair and special tickets are being sold which will admit the bearer to the Little Theater in the Special Events Building where the meeting will be held that day. P. D. Herbst, of Local 306, is chairman of the ticket committee. Tickets are sold at the same admission price as the regular Fair tickets.

Paramount's "THE S

a host of All-Star Rav

"In 'The Star Maker' Bing Crosby, ably assisted by a crew of talented youngsters, turns in his best since 'Waikiki Wedding!'"
—Jimmie Fidler

"Splendid, colorful and melodic piece of entertainment . . . headed for important coin. The picture is a natural for Bing Crosby!"
—Daily Variety

"Bing Crosby at his best. This Ware girl will crowd Deanna Durbin for singing honors in films!"
—Erskine Johnson
L. A. Herald-Examiner

"You can't beat 99 kids and Bing plus our favorite old tunes plus a string of new hits plus a swell story for the entire family. I wouldn't miss it!"
—Thornton Delehanty,
N. Y. Herald Tribune

"Paramount has a box office Big Bertha in the Charles R. Rogers produced attraction, 'The Star Maker.' Far and away the best picture Bing Crosby has made to date. Makes a new star, youthful Linda Ware. Audience meat from first to last!"
—Film Daily

"Never has Bing Crosby sung so well or played a role suiting him so perfectly. Bing's best picture!"—Hedda Hopper
Syndicate Columnist

"STAR MAKER" Receives from Coast to Coast!

"Money class—rich in novelty and musically appealing . . . holds a strong promise of doing big business."
—Hollywood Reporter

"Gus Edwards never made a discovery as great as the picture depicting his own career. Crosby never sang better. Picture jammed with entertainment!" —Ed Sullivan,
Daily News Syndicate

"cavalcade of show business. Linda Ware is definitely a top-notch screen find. Bing Crosby is in top form. Novel angle should insure popular appeal . . . top grosses!"
—Jay Emanuel Publications

Paramount presents

"THE STAR MAKER"

with
BING CROSBY • LOUISE CAMPBELL
LINDA WARE • NED SPARKS
LAURA HOPE CREWS • JANET WALDO

WALTER DAMROSCH with the Philharmonic Orchestra of Los Angeles
Directed by Roy Del Ruth
Produced by CHARLES R. ROGERS

Screen Play by Frank Butler, Don Hartman and Arthur Caesar
Based on a Story by Arthur Caesar and William A. Pierce
Suggested by the Career of Gus Edwards



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SUSPEND MISS TUCKER; INTRA-UNION WAR ON

(Continued from Page 1)

country instructing them to support the AFA in every instance.

Browne's action was interpreted as being a definite indication that the IA had no intention of revoking the charter that it has given the AFA come what may, and will support AFA solidly throughout the duration of this fight.

Suspension of Miss Tucker automatically bars her from appearing in any play and it was reported yesterday that Vinton Freedly, producer of the show, "Leave It to Me," in which Miss Tucker was appearing, was seeking another actress to fill her role for his scheduled re-opening in September.

The IA has already announced through an executive that it will take whatever action it deems necessary if Miss Tucker is barred from the stage, and it is expected that it will strike the show in a rebuttal move. When the Equity Council meeting broke up and it announced its decision no IA exec. could be reached for a statement.

In the statement issued by Equity, Miss Tucker was said to have presented no defense in reply to the Equity charges, and had shown antagonism to the AAAA and Equity by accusing them of conspiracy and other charges which she knew to be untrue.

Miss Tucker last night stated that she expected this action by Equity, that she would continue with the IA and would consider her next step after talking to her attorney tonight on the Coast. It is possible that some legal action may be forthcoming, it was believed.

Text of the Browne wire is as follows: "The IATSE found it necessary in order to protect its entire membership and jurisdiction to issue a charter to the AFA, therefore see to it that all persons performing work under their jurisdiction be members of that organization and render them every service, G. E. Browne."

In addition to stating that the IA would support the AFA to the hilt, it was believed that Browne had indicated in his wire that all IA locals regardless of their classification will be urged to help the AFA organize throughout the country.

Following the Equity meeting, it was learned that the Equity Council had granted Harry Richman a postponement of four weeks on his trial date in order to allow him to keep an engagement in Chicago. His trial before Equity is now scheduled for September 25.

Further action was also taken on the Theatrical Managers, Agents and Treasurers union front, when it was learned that at a midnight meeting of the treasurers' group a large number of members declared themselves in favor of an IATSE affiliation apart from the members of the

Zorina Steals Paper's War News

Chicago—Speaking of good publicity breaks, Warner Bros. got a "honey" Wednesday when the Herald and Examiner's front page displayed a war scare-head and two columns devoted to the European crisis. The other three columns of the tabloid showed a picture of Vera Zorina being carried off a Pullman car by a policeman.

Oklahoma Exhibs Preparing For Good Autumn Business

(Continued from Page 1)

Best draws in all situations are the action dramas with some star value.

While business has been somewhat slow during the past few months it nevertheless has not shown as low marks as had been expected. The outlook for Fall is particularly bright with most operators predicting a good season ahead. More extensive ballyhoo of the new season product is being used this year than ever before with showmen pointing "with pride" to the new movie year film line-ups.

Double features have hit a high spot during the Summer months but according to present indications are due for a severe drop during the Fall. Some houses operating on a Summer double-bill first-run schedule are already booking single features for Fall months. Others are testing single bills and some are substituting extensive billing of shorts for the second feature in experiments. The Griffith Amusement Co. is doing this in a number of Oklahoma spots.

Giveaways and premiums are at an all-time low in Oklahoma with only a few spots featuring them. Locally, there are none, with the State Theater having abandoned a test on a song-naming giveaway stunt. Only a few scattered houses over the state are featuring giveaways and in the majority of cases these operators are getting set to shelve them.

Most showmen in Oklahoma are getting set for a return of good business conditions and are getting their houses in order for an anticipated bumper Fall and Winter box-office crop. Hence forsaking of double-bills and giveaways all ready.

While Oklahoma may not be the brightest spot in the nation's motion picture industry during Fall and Winter it will in all probability be up among the top rating white areas.

Louise Farnsworth Dead

West Coast Bureau of THE FILM DAILY

Hollywood—Louise M. Farnsworth, 49, former stage and silent film actress, known professionally as Margaret Whistler, is dead here. For the past two years she had been a studio costume designer.

motion picture division who have already gone on record for an IA affiliation.

It was decided that a complete examination of the TMAT jurisdiction under their A F of L charter should be made before any further action is taken. The IA states that it received jurisdiction over theater treasurers in 1935 and that the TMAT has never received title to the field.

Dismissal of Trust Case in Ky. Sought by RKO Radio

(Continued from Page 1)

as the New Theater. The suit, which was filed on July 26, seeks \$75,000 triple damages against 20th-Fox Distributing Corp., Loew's, Inc., M-G-M Distributing Corp. of Texas, Keith-Orpheum Corp., Paramount Pictures Distributing Co., Inc., United Artists Corp., and RKO Corp., claiming the illegal monopoly of the industry in Kentucky.

RKO will ask a dismissal on the ground that the District Court has no jurisdiction since RKO has no office or agent in that territory.

Gives Industry Till Oct. 4 for Argentine Pact Proposals

(Continued from Page 1)

pact to be negotiated with that country, the State Department announced yesterday.

The industry's only interest will be on tariff on American films snipped to Argentina as films do not appear on the list of products on which the U. S. will consider granting concessions to Argentina.

Exports of motion picture films to the South American country in 1938 amounted to 21,970,000 linear feet having a value of \$341,000.

James Roosevelt to Survey Producer Problems for MPPA

(Continued from Page 1)

cluding intra-studio relationships.

Samuel Goldwyn, with whose studio Roosevelt is associated as vice-president, has agreed to place the services of Roosevelt at the disposal of the association for the purposes of the survey.

Schenck emphasized the fact that the inviting of Jimmy Roosevelt to make this study has reference solely to local problems and has no relationship bearing on any problem affecting certain producers and the Federal Government.

Del. House Acts to Bring Blue Law Up to Date

(Continued from Page 1)

bring up to date Delaware's ancient Sunday "blue" law.

The Senate did not act on the resolution but referred it to the Judiciary Committee.

Following yesterday's session, Senator Paul R. Rinard, chairman of the Judiciary Committee, said that the group likely will amend the resolution to ask the nine-member commission to report to the Legislature within 90 days.

The blue law commission would include four members of each house, representing Wilmington and the three counties, the eight to name the ninth member.

TELEVISION'S PUSH WAITS TILL AUTUMN

(Continued from Page 1)

lar stress being laid on sports events it was learned this week from a survey of the leading producers of equipment in the television field.

Following a false start this spring when technological problems and program deficiencies handicapped promotion of set sales, the manufacturers realized that further experimentation and exhaustive research during the balance of 1939 would be necessary, an executive of a large manufacturing concern told THE FILM DAILY.

It was pointed out that a strong and well balanced supply of entertainment was necessary to promote set sales to the general public, with the high cost of sets another factor that hindered progress of the industry. He stated that entertainment values suitable to television have been and are now being thoroughly tested for audience appeal and every effort is being made by manufacturers of television sets to cut the cost of sets so that they will be within reach of the majority of the buying public's pocketbook.

Another deterrent to any real forward push of the television industry this year has been the fact that the manufacturers have had no assurance that any standard they agreed upon would stand for any length of time, and were therefore hesitant about building too many sets. Mass production of sets, with majority of all work now done by hand, is another factor that is only now being overcome, it was pointed out.

It is believed by some executives in the television industry that the government may subsidize the business to some extent to push its progress, but little hope is held that any allocation of broadcasting channels for commercial purposes will be made before next year, if then. Still on the economic viewpoint of the situation, the manufacturers as a whole are also closely watching the European situation in order to guide their plans as a war may curtail financing of the industry as profits are non-existent at this time.

Product Deals with Three Circuits Closed by Mono.

George W. Weeks, general sales manager of Monogram Pictures, announces that Pal Amusement, Georgia; Interstate Circuit, New England; and O K Theater Circuit, Dallas, which are serviced by the Atlanta, Boston and Dallas exchanges, respectively, have closed commitments covering the 1939-40 product.

Grainger in GS Product Deal

Chicago—James R. Grainger, Republic prexy, is here negotiating with Great States for his firm's new season product. He says Republic sales nationally at this time are 30 per cent ahead of same period last year. He leaves today by airplane for Los Angeles.

«REVIEWS»

"The Under-Pup"

with Gloria Jean, Robert Cummings,
Nan Grey

Universal 88 Mins.
SWEET FIRE WITH CHARMING STORY OF
YOUTH AND GLORIA JEAN ONE OF BIG
FINDS IN YEARS.

A refreshing personality has hit the screen in Gloria Jean, the 11-year-old Scranton girl. She has a most appealing voice, but her real charm is in her naturalness and a personality that reaches out to the audience and makes you like her instantly. She can be taken as representative of the average American girl in that adolescent stage in between dolls and the first beau. For a youngster essaying her first role she shows remarkable poise and sureness. Here is a kid who has the makings of a real trouper. The story built about her has been cleverly concocted to give scope to her talents. It is all about girls of the early teens in a Summer camp. They are girls from rich, snooty families. Gloria Jean is from the poor tenement quarters of New York. They patronizingly select her as their "good deed" for the Summer camp season, taking her along as part of the ritual connected with their secret society known as the Penguins. Gloria Jean leaves behind her family consisting of ma, pa, grandad, brother and uncle. She has a raft of uncles, and they have all contributed to Gloria's education, according to their walk in life. So Gloria is filled with a lot of assorted knowledge and training; from being an expert swimmer to working the shell game. These she springs upon the startled little snooties of society in camp from time to time. The story cleverly unfolds the fact that Gloria can teach these rich kids a lot, and they in turn can teach her plenty. It becomes in a sense a social document, for through Gloria's efforts a girl's parents are saved from divorce, another girl's snooty father learns how to be a human being, and so does daughter, and the old maid director of the camp is changed from a sour crab to a warm-hearted person. It proves, in a word, that under the skin the poor girl and the society girl are sisters. Director Richard Wallace has kept the story moving with sprightly charm and a sense of youthfulness that is refreshing. Here is a really great story of young American girlhood that is charming, wholesome and warmly human. It has been studded with little touches of sentiment, humor and whimsy that make the film a refreshing delight from the usual Hollywood production of youth. Engaging performances have been contributed by Robert Cummings and Nan Grey as the camp athletic director and camp secretary respectively, who lend the romantic interest without detracting from Gloria's story. Virginia Weidler as the rich little girl neglected by her quarreling parents is immense. C. Aubrey Smith as grandpa is a gem. Billy Gilbert garners a sheaf of laughs as the handy man at the camp with two mischievous sons. Raymond Walburn is fine as the snooty parent of the snooty camp leader. This production will probably start the young girls of the Gloria Jean age everywhere organizing secret Penguin societies, and emulating what this bunch of charming youngsters do. Clever exploitation along this line can make

Reason for Alarm!

Omaha—The Dodge Theater at Dodge, Neb., was struck by lightning and was practically burned down before anyone knew anything about the fire. The joker is the fact that the theater was operated by the town's volunteer firemen!

Judell Opening Branches Oct. 1 in Eight Centers

(Continued from Page 1)

ducers Distributing Corp. for the distribution of the 1939-40 product of Producers Pictures Corp.

Operating film exchanges for many years in Chicago, Milwaukee and St. Louis, B. N. Judell, Inc., will open exchange offices Oct. 1 in Atlanta, Charlotte, Memphis, New Orleans, Dallas, Oklahoma City, Kansas City and Los Angeles.

Juvenile Books for "Oz," "Gulliver" and "Pinocchio"

Chicago—Several million juvenile and color books will be turned out by Whitman Publishing Co. of Racine, Wis., and the Saalfeld Publishing Co. of Akron, O., for tieups with the feature films, "Wizard of Oz," and "Gulliver's Travels."

Whitman Co. will have ready next week, according to J. A. Riley of that company, "Wizard of Oz," picture, paint and story books. The company will, later in the Fall, publish a similar line of books for Disney's "Pinocchio."

The Saalfeld Company is printing "Gulliver" coloring and story books, also a picture puzzle box, as well as a Gulliver paper doll box, for exhibitor use.

Grosset & Dunlap and Rand, McNally & Co., will also turn out books for the forthcoming feature films.

Stage Shows at Cleveland RKO House Return Sept. 8

Cleveland—Nat Holt, RKO Great Lakes division manager, has just returned from New York where it was determined that the RKO Palace Theater here will resume its stage show policy starting September 8 with Artie Shaw as the first attraction. Last season's admission scale of 66c top for week-ends and 55c top during the week, will be resumed. Following the usual policy, stage shows were dropped at the Palace during the Summer.

the Penguin gag a vogue, and a mop-up for the exhib. on the showing.

CAST: Gloria Jean, Robert Cummings, Nan Grey, Beulah Bondi, Virginia Weidler, Margaret Lindsay, C. Aubrey Smith, Billy Gilbert, Ann Gillis, Raymond Walburn, Paul Cavanagh, Samuel S. Hinds, Shirley Mills.

CREDITS: Producer, Joe Pasternak; Director, Richard Wallace; Author, I. A. R. Wylie; Screenplay, Grover Jones; Editor, Frank Gross, Cameraman, Hal Mohr.

DIRECTION, Good. PHOTOGRAPHY, Good.

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For Successful PREMIUMS TOBIAS

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THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 40

NEW YORK, MONDAY, AUGUST 28, 1939

TEN CENTS

Production Plans Are at a Standstill in English Studios

GOVT. ATTITUDE UNCHANGED BY WB MOVE--ARNOLD

Extended Runs Hit New High in Pittsburgh Theaters

THE WEEK IN REVIEW

Code Into WB Contract

By GEORGE H. MORRIS

DOMESTIC

CODE STATUS: While some industry sources considered the trade practice Code as dead, others firmly contended that there is still life in the baby, and the chances are good that it can be kept alive. However, as the week progressed the Code became an almost forgotten subject until Warner Bros. apparently beat the other majors to the gun via announcement that important parts of the Code would be incorporated in company's selling policies. At the week-end, other companies were reported to be considering following suit.

ALLIED TIFF: National Allied and the New York unit came to the parting of the ways, due to alleged differences in policy. Max Cohen, N. Y. Allied chief, defended his organization's actions and charged national leaders with attempts to "wreck" the New York unit, which, he asserted, would carry on as an unaffiliated group.

LABOR FRONT: With suspension of Sophie Tucker by Equity, announced Thursday night, any hope of peace in the intra-union jurisdictional dispute twixt the AAAA and the IATSE-AFA seemed dim. IA prexy George E. Browne instructed all IA locals to aid the AFA in every way possible, clearly showing that the IA would back the AFA to the hilt. TMAAT struck a Brooklyn theater circuit, with strike still in progress; and hearings continued on the Coast before the NLRB in the producers-SWG row.

OTHER HIGHSPOTS: Out of Michigan issued news that outlook in the film biz there has been decidedly more optimistic than has been the case in a long time, with revenue

(Continued on Page 3)

Upward Trend in Business Is Noted in Pitts. Territory; Exhibitors Optimistic

By BETTY MILLER

FILM DAILY Staff Correspondent

Pittsburgh—Whether because of a general improvement in conditions or a steady flow of good pictures, the theater business in this great industrial territory is definitely on the upward trend. During the past two months there have been more extended engagements at the first-run

(Continued on Page 8)

NAME COMMITTEES FOR SMPE CONCLAVE

Committees for the SMPE fall convention, to be held at the Hotel Pennsylvania, Oct. 16 to 19, have been announced by E. A. Williford, of National Carbon Co., president of the organization. Committees, chairmen and members are:

Reception and Local Arrangements

(Continued on Page 3)

Projection Goods Exports Showed a Decline in July

Washington Bureau of THE FILM DAILY

Washington—Exports of photographic and projection goods in July dropped \$210,000 from the same

(Continued on Page 6)

KUYKENDALL OKAYS WB PLAN

However, MPTOA Prexy Says It Doesn't Cover All Angles

Ed Kuykendall, MPTOA president, regards the Warner Bros. trade practice announcement as "encouraging" even if it doesn't cover all the angles MPTOA believes should prevail. In a formal statement issued on Friday, Kuykendall said the Warner plan was a "definite step forward in bringing about a happier relationship between exhibition and distribution."

"Mr. Sears shows the courage of his convictions in making this announcement without the entangling restraint of the Code," Kuykendall said, adding that "MPTOA has insisted from the beginning that distributors could and should promulgate fair trade practices by putting them into effect . . . I hope other distributors will follow Warners' leader. My congratulations to Grad Sears."

Weeks Reports Exhibitors Not Alarmed by War Scare

George W. Weeks, Monogram general sales manager, who returned recently from a swing across the country, reported on Friday that the

(Continued on Page 6)

English Theater Business Dead; Film Transportation a Problem

All Forms of Chance Games Banned in Sussex Co., N. J.

Sussex, N. J.—All drawings in theaters, games of chance, including Bingo, and other forms of gambling were ordered banned last week by Sussex County Prosecutor Downing. State Police closed Bingo games and

(Continued on Page 3)

London (By Cable)—While studios here were busy as usual over the week-end, future production plans were at a standstill as the possibilities of a war continued. Curtailment of work loomed as mobilization caused depletion of staffs.

Theater business is dead. Blackouts and air raid drills have had drastic effects in most of the Euro-

(Continued on Page 6)

Arnold Says All Interested Parties Should Refer to His Code Letter

Washington Bureau of THE FILM DAILY

Washington—While declining direct comment on Warner Bros.' decision to incorporate parts of the trade practice code in its selling policies, Thurman Arnold, assistant attorney general, on Friday suggested that to receive the Department of Justice's attitude, interested parties should refer to his letter condemning the code provisions.

The intimation was, according to observers here, that Arnold still stands firm in his position that the entire structure on which the code is based is illegal and that incorporation of certain parts of the code will

(Continued on Page 6)

WB TO CONCILIATE CLEARANCE PROBLEMS

Conciliation of clearance problems where Warner Bros. pictures are concerned will be available to Warner customers. This assurance was given by Grad Sears, general sales manager, to Max A. Cohen, president of New York Allied.

In a statement issued by Cohen, it was said that Sears would "step

(Continued on Page 8)

Sophie Tucker Is Dropped From Show; "War" Looming

Vinton Freedley, producer of the stage musical, "Leave It to Me," announced Friday that Sophie Tucker would be dropped from the cast

(Continued on Page 6)

Three Provisos to Govern James Roosevelt's Survey

West Coast Bureau of THE FILM DAILY

Hollywood—James Roosevelt, who will make a survey of problems confronting Hollywood producers will do so with the following provisos:

That the study will not involve a

(Continued on Page 8)

THE FILM DAILY

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)
NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	10 1/2	10 1/4	10 1/2	+ 1/4
Col. Picts. vtc. (2 1/2%)	7	6 3/4	7	- 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/8	1 1/8	1 1/8	
Con. Fm. Ind. pfd.				
East. Kodak	161 1/2	158 1/2	161 1/2	+ 1 5/8
do pfd.	178	178	178	+ 1 1/2
Gen. Th. Eq.				
Loew's, Inc.	39 3/4	38	39 1/2	+ 1/2
do pfd.				
Paramount	8 1/2	7 1/2	8	+ 1/4
Paramount 1st pfd.	85	85	85	- 4/8
Paramount 2nd pfd.				
Pathe Film	10	9	9 7/8	+ 7/8
RKO	1 5/8	1 5/8	1 5/8	+ 1/8
20th Century-Fox	17 1/8	16 5/8	17	
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	4 3/8	4	4 3/8	+ 1/4
do pfd.	50 1/4	47	50	+ 2 1/2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46.			
Loew's deb. 3 1/2s46.	102 1/8	102 1/8	102 1/8 + 1/8
Para. B'way 3s55			
Para. Picts. 6s55			
Para. Picts. cv. 3 1/4s47	89 3/4	89 3/4	89 3/4
RKO 6s41			
Warner Bros.' cv. 6s39			
Warner Bros.' dbs. 6s48			

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.			
Technicolor	13 1/4	13	13 1/8 + 1/8
Trans-Lux			
Universal Corp. vtc.	3 1/2	3 1/2	3 1/2
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	103
Fox Thea. Office Bldg. 1st '46		3 3/8
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	67	70
Roxy Thea. Bldg. 4s 1st '57	63 1/4	65 1/4

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—16th week.	Astor
The Old Maid (Warner Bros. Pictures)—3rd week.	Strand
The Wizard of Oz (Metro-Goldwyn-Mayer)—2nd week.	Capitol
When Tomorrow Comes (Universal Pictures)—2nd week.	Rivoli
Our Leading Citizen (Paramount Pictures)	Paramount
Fifth Avenue Girl (RKO Radio Pictures)	Music Hall
Hotel for Women (20th Century-Fox)	Roxy
Coast Guard (Columbia Pictures)	Globe
Death of a Champion (Paramount Pictures)	Criterion
Conspiracy (RKO Radio Pictures)	Rialto
Range War (Paramount Pictures) (a)	Central
Prisoner of Corbal (Syndicate Pictures) (a)	Central
Frontier Marshal (20th Century-Fox) (a-b)	Palace
The Spellbinder (RKO Radio Pictures) (a)	Palace

◆ FOREIGN LANGUAGE FEATURES ◆

The Conquests of Peter the Great (Amkino).....Cameo

◆ FUTURE OPENINGS ◆

The Star Maker (Paramount Pictures)—Aug. 30.	Paramount
The Mummy (Universal Pictures)—Aug. 30 (a-e)	Rialto
The Raven (Universal Pictures)—Aug. 30 (a-e)	Rialto
Dust Be My Destiny (Warner Bros. Pictures)—Sept. 1	Strand
Fighting Renegade (Principal Pictures)—Sept. 1 (a)	Central
The Girl from Rio (Monogram Pictures)—Sept. 1 (a)	Central
Songs of the Street (Mayer-Burstyn)—Sept. 1	55th St. Playhouse
The Angels Wash Their Faces (Warner Bros. Pictures)—Sept. 2	Globe
The End of the Day (Juno Films)—Sept. 11	Filmarte
Lady of the Tropics (Metro-Goldwyn-Mayer) (c)	Capitol
The Real Glory (United Artists-Goldwyn) (c)	Rivoli
Adventures of Sherlock Holmes (20th Century-Fox) (c)	Roxy
Golden Boy (Columbia Pictures) (c)	Music Hall
Conflict (Transatlantic) (c)	Little Carnegie
In Name Only (RKO Radio Pictures)—Aug. 31 (a-b)	Palace
Charlie Chan at Treasure Island (20th Century-Fox)—Aug. 31 (a)	Palace

(a) Dual bill. (b) Subsequent run. (c) Follows current bill. (e) Revival.

"5th Ave. Girl" in 2 Days Tops 3-Yr. Music Hall Record

"Fifth Avenue Girl" on Friday, its second day at the Radio City Music Hall, topped the intake of the opening day, which set a record for any RKO-Radio Picture in the big house in the last three years, the company states.

In mid-afternoon of Thursday, a hot and sultry day, the queue extended from the Music Hall box-office to Fifth Avenue, a distance of 1,000 feet. The record hung up by "In Name Only" for its opening day had been bettered when the theater closed Thursday evening. The new Ginger Rogers' comedy had at that time also outgrossed her "Bachelor Mother," which played the house a few weeks ago.

In spite of a driving rain on Friday, "Fifth Avenue Girl" topped the gross for the premiere day, Thursday.

RKO-Radio's three productions to play the Music Hall in mid-summer have all scored hold-overs, doing exceptionally good business for any season. Opening days have set records for the past two and three years and business has been sustained during long runs. "Bachelor Mother" played the Hall for two weeks, "In Name Only" for three successive weeks, and the gross to Friday for "Fifth Avenue Girl" indicates a holdover for the heavy Labor-Day week-end.

931 Houses in Chi Territory

Chicago—Miss Emma Abplanalp, former secretary of the Chicago Film Board of Trade, has completed a directory of theaters of the Chicago trade territory. She lists 931 houses in this area, of which 806 are in this state and the balance in northern Indiana and two in southern Michigan.

S. Skouras Reports Theater Biz on Up-Grade Nationally

Theater business is on the up-grade with an improvement noticeable now throughout the country, it was reported at the National Theater's office at the week-end following the return of Spyros Skouras, NT chieftain, from a flying trip which covered 10,000 miles through territory where the company has theater interests.

Skouras conducted five meetings in the different divisions of the theater chain's far flung web of operations, and stressed theater management in his talks. He is also said to believe that new product coming from the studios now and shortly to be released will help the theater biz upturn tremendously.

M-G-M Purchases Cantor's Next Story from Fadiman

Completion of the purchase by M-G-M, of the new vehicle for Eddie Cantor, "40 Little Mothers," from Edwin Fadiman of National Pictures Corp., owners of the basic French scenario and film, was confirmed yesterday.

The deal, reported "hot and cold" several times during the last six months, was signed only yesterday due to the necessity of ironing out complicated foreign clearance situations. Picture goes into production immediately.

Freeman in Today

Y. Frank Freeman, in charge of Paramount Studio operations in Hollywood, accompanied by Mrs. Freeman, will arrive in New York this morning aboard the Twentieth Century Limited.

COMING AND GOING

Y. FRANK FREEMAN, Paramount's vice-president in charge of studio operations, arrives in New York today from the Coast.

S. BARRET McCORMICK, advertising-publicity director of RKO Radio, has returned to the home office from Hollywood.

ROBERT SAUNDERS, son of Eddie Saunders who is M-G-M's Western sales manager, arrived in New York from the Coast by plane on Saturday for a vacation, accompanied by his wife and their son, ROBERT, JR.

J. A. McCONVILLE, Columbia's foreign manager, returns to New York today from Europe on the Normandie, following a two-month business trip.

GUY P. MORGAN, UA manager for Argentina, left New York on Friday on the Uruguay for Buenos Aires, accompanied by CLEMENTE LO-COCO, circuit operator in Argentina and producer of Spanish-language pictures.

CHARLES C. PETTITJOHN, MPPDA's general counsel, returns to New York today from Europe on the Normandie.

W. J. HUTCHINSON, director of foreign distribution for 20th-Fox, is scheduled to arrive in New York today from the Coast.

DAME MAY WHITTY, left New York for the Coast on Saturday by American Airlines to appear in Samuel Goldwyn's "Raffles."

WILLIAM HOLDEN, star of Columbia's "Golden Boy," leaves New York today for Philadelphia and Asbury Park.

BABURAO PATEL, prominent member of the film industry in India, arrives in New York today on the Normandie for a three-week visit.

WILLIAM HIFFNER, operator of the Academy Theater, Lebanon, Pa., accompanied by his family; BOLIVER HYDE, JR., city manager for the E. J. Sparks Circuit in St. Petersburg, Fla.; and A. HIGGINBOTHAM, associated with the Saenger Circuit in New Orleans, were recent visitors to Paramount's World's Fair headquarters in the home office.

DUDLEY GLASS, film editor of the Atlanta Georgian; LLOYD LEWIS, film editor of the Chicago News; GEORGE FOXHALL and PAUL WALKER, film editors of the Worcester Telegraph and Harrisburg Telegraph, respectively, were visitors during the latter part of the past week to Loew's publicity offices.

GEORGE RAFT arrives from Europe today on the Normandie.

Four More Keys Report Big Biz on "The Old Maid"

Continuing its record-breaking career, "The Old Maid" opened in four spots over the week-end to business topping the figures of "Dodge City" and "Dark Victory," Warners announces.

Picture opened at the Stanley, Jersey City; the Paramount, Brooklyn; the Montauk, Passaic; and the Fabian, Paterson. The figures augur holdovers in each spot.

WANTED!!

An Executive
who is looking for an
Executive Assistant:

With a colorful and established background as an Executor in the Picture, Theatrical and radio fields, having substantial recommendations, to warrant being such an aide.

Box No. 1095, THE FILM DAILY
1501 Broadway New York City

NAME COMMITTEES FOR SMPE CONCLAVE

(Continued from Page 1)

ments: D. E. Hyndman, Chairman; M. C. Batsel, R. O. Strock, G. Friedl, Jr., H. Rubin, O. F. Neu, L. W. Davee, A. N. Goldsmith, H. Griffin, A. Bonn, J. A. Hammond, J. H. Kurlander, T. Ramsaye, P. J. Larsen, A. S. Dickinson, V. B. Sease, E. I. Sponable, W. E. Green, O. M. Glunt.

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Banquet and Dance: A. N. Goldsmith, Chairman; A. S. Dickinson, H. Griffin, J. A. Hammond, L. A. Bonn, E. I. Sponable, J. H. Spray, R. O. Strock, H. Rubin, D. E. Hyndman, E. G. Hines, P. J. Larsen, O. F. Neu.

Ladies' Reception: Mrs. O. S. Neu, Hostess; Mrs. D. E. Hyndman, Mrs. H. Griffin, Mrs. J. Frank, Jr., Mrs. E. J. Sponable, Mrs. R. O. Strock, Mrs. A. S. Dickinson, Mrs. G. Friedl, Jr., Mrs. E. A. Williford, Mrs. P. J. Larsen, Mrs. L. W. Davee.

Roof Garden of the Pennsylvania will be the site of the usual informal get-together luncheon, Monday, Oct. 16, and the semi-annual banquet, Wednesday evening, Oct. 18. Features of the banquet will be presentation of the SMPE Progress Medal and the Journal Award.



Best wishes from THE FILM DAILY
to the following on their birthdays:

AUGUST 28

D. Manheimer

ALONG THE



WITH PHIL M. DALY

● ● ● WHAT IS your I.Q. (intelligence quotient) when it comes to answering questions about this biz in which you kid yourself you are hard at work?.....try these over on your memory-box when you find a spare half hour.....

● ● ● WHO was the national sportsman who started the entire movie picture biz when he attempted to win a bet by proving that a horse's four hooves are all off the ground at once when in motion?.....

● ● ● WHAT was the name of the gent who first took motion pictures on celluloid?.....where was the first peepshow parlor (forerunner of the nickelodeon which was forerunner of the movie palace) located?

● ● ● NAME the first motion picture banned by the censors, and in what city?.....(ah, we've got you there, eh, what?).....bet the boys in the Hays office can't answer that one.....

● ● ● DID you know that the first picture to run over 10,000 feet was a fight film.....and what was the fight, where photographed?....

● ● ● FIRST sex picture cost less than six grand and grossed a half million, and betcha you can't name it.....(ask Jack Cohn.....he can.....he helped make it in 1913).....

● ● ● NAME the first six-reel comedy?.....what two great stars were in it?.....who produced it?.....what was the first theater on Broadway used as a "show window" by a producer?.....and who was the producer?.....

● ● ● WHO was the first film actor to receive a term contract that carried a bonus as well as a salary?.....Who was the first film player to receive a guarantee on a year's work?.....

● ● ● WHAT producing outfit started the first acquisition of theaters to insure outlets for its product, thus starting the theater chain system?.....

● ● ● CAN you name the film that was the forerunner of the modern newsreel?.....What was the first animated cartoon produced, and by whom?.....

● ● ● WHO was the gent who built the first million-dollar Hollywood studio?.....what was the first big merger in circuits, and name the two chains involved?.....

● ● ● NO, girls and boys.....we couldn't answer most of these either.....till we read the answers in galley proofs for that intriguing FILM DAILY CAVALCADE of important events of the motion picture industry.....a book written by important people.....about important people.....for important people.....the Yesterday.....Today.....Tomorrow.....of this great business.



THE WEEK IN REVIEW

Code Into WB Contract

(Continued from Page 1)

good and new theater construction in Upstate areas nearing all-time high... Oklahoma dispatches told of heavy draw by top-notch pix, and continued success of outdoor sagas such as "Union Pacific" and "Dodge City"... Survey of the Drive-in theater situation disclosed a probable 100 per cent increase in such "houses" during 1940.

FOREIGN

WAR CRISIS: As Europe stood tense on the brink of possible hostilities, Wall Street showed film stocks holding firm. London faced situation calmly, with Wardour Street reporting provisions for removal of film prints and negatives to underground storage vaults. Crisis, observers cited, has arisen at a time when U. S. companies are planning increased activity in British studios... French and U. K. features were asserted to be gaining in Spain... GFD announced it has contracted to release output of the new British producing outfit, Legeran Films, Ltd.

All Forms of Chance Games Banned in Sussex Co., N. J.

(Continued from Page 1)

a number of stands where gambling devices were said to be in operation. No arrests were made. Similar bans were put into effect in recent months by the prosecutors in Passaic, Bergen and Morris counties, all situated in the northern section of the state.

WEDDING BELLS

Fort Worth, Tex.—Jack Daniel, assistant manager of the Palace Theater in Fort Worth, and Anna Catherine Brown, of the staff of the Hollywood Theater here, are to be married today.

Albuquerque, N. M. — James G. Harris, utility and maintenance manager of Albuquerque Theaters, Inc., and Miss Leta Monroe of Roswell, N. M., were married in Roswell at the Methodist-Episcopal Church.

Richmond, Va. — David Kamsky, advertising manager for Neighborhood Theaters, and Miss Margaret Rosenberg have announced their engagement, with the marriage taking place in the near future.

Richmond, Va. — Miss Virginia Snead, secretary to Sam Bendheim, Jr., general manager, Neighborhood Theaters, will marry Julian Chockley of the United States Navy here on Sept. 6. They will motor to California where they will make their home.

Bigge than BIG in



"IN NAME ONLY" now
opening to the same kind
of business in pre-release
key runs Coast to Coast!

THAT'S THE
KIND WE MEAN
WHEN WE SAY
BIG ONES
FROM RKO RADIO!



**OPENING DAY AT RADIO CITY
MUSIC HALL \$1,000 BETTER
THAN FIRST DAY OF "IN
NAME ONLY"*... WHICH HIT
THE THREE-YEAR TOP FOR
ANY RKO RADIO PICTURE!**

**SECOND DAY AND WEEKEND
POINT TO ANOTHER RKO
RADIO ATTRACTION IN
THAT SENSATIONAL
\$100,000-A-WEEK CLASS!**

Ginger
ROGERS

"FIFTH AVENUE GIRL"

WALTER CONNOLLY ★ VERREE TEASDALE ★ JAMES ELLISON

TIM HOLT ★ KATHRYN ADAMS ★ FRANKLIN PANGBORN ★ PRODUCED AND DIRECTED BY

PANDRO S. BERMAN IN CHARGE OF PRODUCTION • SCREEN PLAY BY ALLAN SCOTT • GREGORY LA CAVA

BRIT. PRODUCTION PLANS ARE HALTED

(Continued from Page 1)

pean countries during the last week.

Offices on Wardour Street remain open, but in many cases part of the personnel has already been established in country headquarters previously arranged for. Films have also been moved from the city in many instances to vaults in the country, following an order of the government that films be removed from the city.

Only real activity during the past week has been on the part of newsreel organizations, with these outfits making feverish preparations to cover all fronts. Staffs were being augmented and emergency laboratories were being established in Baltic countries that are expected to be neutral in any war.

M-G-M and 20th-Fox branches, and also offices of other film companies here have had bombproof and gas proof shelters installed, and staffs have had instructions as to what they shall do in case of emergency. All office forces have been drilled in units so that they are prepared for any eventuality.

In France and Germany the governments have requisitioned trucks, busses and other transportation units, making delivery on schedule difficult for all companies, it was reported. It has been learned that production and personnel staffs in other European countries have also been seriously affected by mobilization plans and women have been recruited in many cases.

Offices of American companies here have been keeping in constant touch with their New York headquarters regarding advice as to what the next steps may have to be for protection of property and personnel.

H. M. Warner and other executives of American companies here have plans to leave this week on the Queen Mary and a number of Clipper reservations have been made by members of the film industry.

Principal concern of home offices here at the week-end regarding the European crisis was caused by unscheduled stops of boats and other transportation units carrying films in Europe. One instance was reported where a ship with a consignment of prints from American companies unloaded its whole cargo at Le Havre and immediately left that port for New York without making any of its other scheduled stops.

All European offices of the majors were being asked for advice by the home offices on the maintenance of shipping schedules. It was restated at all offices that plans have been ready for some time to meet any emergency and necessary steps will immediately be taken when an emergency arises.

Newsreel companies here reported that European staffs were being augmented and emergency laboratories in expected neutral countries were being established for printing purposes. Executives of several of the

Two Tele Visions Come True

Columbia Pictures on Friday announced that a film trailer of its new attraction, "Golden Boy," would be telecast by RCA-NBC tomorrow and again on Friday. This is initial instance of advance scenes from a feature picture appearing on tele receiving set "screens." Additionally, RCA-NBC went into metropolitan newspapers with advertising campaign clarioning to the public the televising of the double header played at Ebbets Field between the Cincinnati Reds and Brooklyn Dodgers on Saturday, last.

Weeks Reports Exhibitors Not Alarmed by War Scare

(Continued from Page 1)

prospect of war abroad doesn't alarm exhibitors with whom he came in contact.

Weeks pointed out that in times of stress people need the "escape" provided by motion pictures. Continuing, he said:

"Exhibitors everywhere feel that the industry has no alibi for poor business because it alone is holding up further prosperity. Theater operators are tired of constant wrangling and legal tussles. They say they are not lawyers but business men who are trying to be showmen."

"It used to be 'general conditions' that served as an out when box-office business was off. With business generally on the upswing that contention does not stand up today."

"If the various elements in the industry now in conflict could sit down and work out their problems amicably, the industry as a whole would gain tremendously."

"H'wood Cavalcade" to Have \$11 Los Angeles Preview

Twentieth-Century Fox announced at the week-end that it has set Sept. 29 for the Los Angeles preview of "Hollywood Cavalcade" at the Four Star Theater. Requests for tickets was large before setting of date as the proceeds will be turned over to the M. P. Relief Fund. No passes will be issued and 20th-Fox will bear all expenses.

Arrangements are being made to broadcast the preview. All Hollywood studios are co-operating for the event and film stars of the past and present will take part in the opening.

220 Day-Date Openings for 20-Fox's "Rains Came"

Day and date opening of 20th-Fox special, "The Rains Came," has been set in 220 situations for the week-end of September 17, it was learned Friday. Intensive ad. and pub. campaign is heralding the premiere of the picture, with this day and date opening the largest the company has ever scheduled.

"Ariz." Premiere Sept. 14

West Coast Bureau of THE FILM DAILY Hollywood — "Arizona Thoroughbreds," produced in color by Golden West Pictures, will have its world premiere Sept. 14 at the Fox Theater, Phoenix, Ariz. It was directed by Earl Haley. Grand National will distribute.

newsreel organizations also were planning to go to Europe to personally direct coverage in the event of war.

"Edith Cavell" Premiere Thrills Toronto Audience

Toronto—This city is still talking about its most colorful opening when, on Thursday, 20,000 citizens attended the premiere of "Nurse Edith Cavell" at the Canadian National Exposition.

The huge gathering stood for one minute as a tribute when the picture ended. One woman fainted from emotion. Anna Neagle, star of the picture, introduced the film and was presented with a membership in the Canadian Red Cross.

Distinguished people present included Sir Gerald Campbell, high commissioner for Great Britain and Northern Ireland, who introduced Miss Neagle; Herbert Wilcox, director and producer of the picture; Mayor R. C. Day; Lads Campbell; N. L. Nathanson, president, Famous Players Canadian Corp.; George Bridgen, president of Canadian National Exhibition; Leo Devaney, Canadian manager of RKO Radio; R. E. Onions, chairman, who read the message of congratulations from Hon. MacKenzie King, prime minister of Canada, and Sidar H. S. Malik, India government trade commissioner; D. H. Gibson, president of the Toronto Board of Trade; L. B. MacGregor, Australian trade commissioner, who read a message from Premier of Australia R. M. Firth, representing New Zealand, and D. W. Meyer, representing South Africa.

Para., Springfield, Mass., Resumes Stage Show Policy

Springfield, Mass.—Bob Crosby brought his entertainers and orchestra to the Paramount Theater Wednesday to inaugurate the opening of the stage show season at that theater.

The Paramount this year has instituted an alternate stage and screen policy to make it possible to bring practically all of the big bands and stage attractions at some period during the 1939 season.

Included in the show, in addition to the musical organization, were three other Broadway acts.

Tom Maloney Dead

New Bedford, Mass.—Thomas J. Maloney, 59, died recently at his home here. Known as the dean of motion picture projectionists in New Bedford, he had 33 years' experience, first at the old Hathaway's Theater and later at the Olympia Theater.

Meet on Chi. Operator Pact

Chicago — Officials of the local operators' union will meet tomorrow with theater owners regarding a new contract.

GOVT.'S ATTITUDE IS UNCHANGED--ARNOLD

(Continued from Page 1)

make no difference in the Government's attitude.

However, distribution executives appear to be of a different opinion, claiming that making certain concessions to its customers violate no law.

It was understood over the week-end that the other majors were preparing policies of their own and that announcements may be forthcoming during the week. At least one company is reported to have a definite plan under consideration.

Sophie Tucker Is Dropped From Show; "War" Looming

(Continued from Page 1)

when the show reopens Oct. 9. This decision marked another episode in the union jurisdictional controversy and created a situation whereby Freedley faced a stagehands' strike if Miss Tucker were dropped and a strike by the performers if she remained in the show.

Meanwhile, the 4A's plan a membership drive for the AGVA and at the same time will launch the publication of a weekly newspaper.

Projection Goods Exports Showed a Decline in July

(Continued from Page 1)

month of last year, it was reported Friday by the Department of Commerce. July, 1939, figure was \$1,412,000 compared to \$1,622,000 in July, 1938. Seven month period ending in July also showed decline. The 1939 period figure was \$11,211,000 compared to \$12,030,000 for the same period of 1938, representing decrease of \$819,000.

It's Now "Die Kliatsche"

"The Light Ahead," Jewish movie, which was just completed by Carmel Productions, has just had its Jewish title "Fishke Ker Krummer" changed to "Die Kliatsche."

Sparks House for Dania

Dania, Fla.—E. J. Sparks, president of the Sparks Circuit, has announced that work will begin immediately on the new theater building to be erected on the Federal Highway. Roy A. Benjamin, Jacksonville, is the architect. The theater will seat approximately 600 persons and will cost about \$75,000.

Defer Bingo Case Hearing

Milwaukee—Hearing on petition of Charles W. Trampe, Monogram exchange head, to restrain Bahn Frei Hall from holding Bingo games has been postponed by Circuit Judge Daniel W. Sullivan until Sept. 11.

REVIEWS OF THE NEW FILMS

"Southward Ho"

with Roy Rogers, Mary Hart, George Hayes
Republic 57 Mins.

FAST-MOVING WESTERN HAS PLENTY OF PUNCH AND A WELL WORKED OUT STORY.

Better than the average run of westerns which serve as a background for the crooning cowboys, this one will please the action fans. Roy Rogers sings pleasingly and is convincing in his role. Attractive Mary Hart fills the feminine spot neatly and the rest of the cast is comprised of seasoned troupers. Picture opens at the end of the Civil War. Rogers and his pal, George Hayes, head for Texas where Hayes has inherited a half interest in a ranch. A Yankee officer turns up as the other half owner. He is made military commander of the district, but is deceived by a troop of renegade union soldiers who represent themselves as a regular army unit sent out to police the district for him. Ranchers are murdered and robbed and order is not restored until Rogers and his allies clean up the soldiers.

CAST: Roy Rogers, Mary Hart, George Hayes, Wade Boteler, Arthur Loft, L. Chandler.

CREDITS: Director, Joseph Kane; Screenplay, Gerald Geraghty; Original Story, Jack Natteford and John Rathmell; Cameraman, Jack Marta; Editor, Lester Orlebeck.

DIRECTION, Fast. PHOTOGRAPHY, Good.

"Man From Sundown"

with Charles Starrett, Iris Meredith, Richard Fiske
Columbia 58 Mins.

WELL-PACED WESTERN HAS PLENTY OF ACTION TO PLEASE THE SIX-GUN FANS.

There's no letup in the action in this one from the time the first shot is fired until Starrett gets his girl in the windup sequence. The cast is capable and the script keeps them moving at a fast pace. Iris Meredith is attractive as the female interest and Charles Starrett looks and acts the part of a ranger. Starrett rides into town and prevents a hanging. However, this is just the beginning of his troubles as Miss Meredith's brother, Richard Fiske, is the only eye witness to the holdup of a bank. He comes to court to testify against the bank robber who was captured, but is murdered at the trial. Starrett and his partner disguise themselves and ride into the bandit country in search of the gang's leader. They trick him into riding across the line where a posse traps the entire bandit gang. Exit the disturbing influences in the peaceful goings on of the town, enter law and order.

CAST: Charles Starrett, Iris Meredith, Richard Fiske, Jack Rockwell, Alan Bridge, Richard Bottler, Ernie Adams, Bob Nolan, Pat Brady.

CREDITS: Produced by Columbia; Director, Sam Nelson; Original Screenplay, Paul Franklin; Cameraman, Benjamin Kline; Editor, William Lyon.

DIRECTION, Fast. PHOTOGRAPHY, Good.

"Daughter of the Tong"

with Evelyn Brent, Grant Withers
Times Pictures 56 Mins.

G-MAN STORY HAS WEAK PLOT BUT ENOUGH ACTION MAKES IT O. K. AS NABE FILLER.

As a program filler in the neighborhood houses this picture will serve the purpose as it has enough action to hold together an inept plot. Grant Withers and Evelyn Brent share the leads, with Dorothy Short and a cast of seasoned actors supporting them. A Government agent is shot while working on a smuggling case concerning Chinese aliens. Withers is brought in to work on the case when it is discovered that he bears a striking resemblance to an escaped gangster who was picked up by the FBI on his way to join the gang. Withers discovers that the head of the gang is a woman, Evelyn Brent. Following some hectic action and general furniture-smashing activities the gang is rounded up.

CAST: Evelyn Brent, Grant Withers, Dorothy Short, Dave O'Brien, Dirk Thane, James Coleman, Harry Harvey, Budd Buster, Richard Loo, Hal Taliaferro, Robert Frazer.

CREDITS: Produced by Metropolitan Pictures; Director, Raymond K. Johnson; Screenplay, George H. Palmpton.

DIRECTION, O. K. PHOTOGRAPHY, Fair.

"Bad Lands"

with Robert Barrat, Addison Richards
RKO-Radio 70 Mins.

STRONG DRAMATIC STORY IS SUSPENSEFUL AND FILLED WITH ACTION.

Possibly similar to other stories of a last stand of trapped men, this picture has all the action, suspense and thrills that any audience could ask for. The cast is comprised of expert actors, with each one making the utmost of his opportunities. Robert Barrat and Addison Richards have the choicest roles and they turn in swell performances. Story concerns the hunt of an Arizona posse for an Apache half breed who has turned murderer. The posse is comprised of men who don't care for their lives, or are escaping from their pasts. Sheriff Barrat and his posse of nine men trail the half breed to the mountainous lair of the Apache tribe. They are ambushed and surrounded. The suspense in the story from here on mounts until the end, which finds Barrat the only man alive, with some dead bravely and some dead foolishly, while one man is dead because he was a coward. Barrat is rescued by a detachment of soldiers who hear the shooting.

CAST: Robert Barrat, Addison Richards, Andy Clyde, Robert Coote, Guinn Williams, Francis Ford, Noah Beery, Jr., Paul Hurst, Francis McDonald, Jack Payne.

CREDITS: Producer, Robert Sisk; Director, Lew Landers; Story and Screenplay, Clarence Upson Young; Cameraman, Frank Redman; Editor, George Hively.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Flight At Midnight"

with Jean Parker, Phil Regan, Robert Armstrong
Republic 66 Mins.

AVIATION STORY HAS PUNCH, ACTION AND AN ENTERTAINING CAST.

With a sufficiency of action, a capable and pleasing cast, and a briskly paced story, this new Republic release will neatly fill exhibitors' needs. Phil Regan, a pilot, Jean Parker, an airline hostess, Robert Armstrong, a government inspector, and Noah Beery, Jr., mechanic for Regan, fill the principal roles neatly. Roscoe Turner and the rest of the cast are capable. Norwalk Airport is faced with going out of business by government orders unless it can get the adjacent power lines put underground. Regan, arriving on time with his mail delivery, is grounded by Armstrong for failing to take off when his plane was ready and then flying out of his course. He starts an air school and ruins the airport's flying schedules by flying in the way of other planes. However, the airport execs. figure out a plan for raising the money and Regan agrees to test a new government ship. He gets there late and Beery, who went up in his place, has just been killed. Regan is about to leave the field for good that night when he learns that Turner is coming in with a dead stick and will probably hit the power lines and kill his load of passengers. Regan flies his ship into the power lines, the mayor who is in Turner's plane agrees to condemning the power lines and everything is okay. Naturally Regan gets well and gets his girl.

CAST: Jean Parker, Phil Regan, Robert Armstrong, Noah Beery, Jr., Roscoe Turner, Harlan Briggs, Helen Lynd, Barbara Pepper, Harry Hayden, Raymond Bailey.

CREDITS: Associate Producer, Armand Schaefer; Director, Sidney Salkow; Original Story, Daniel Moore and Hugh King; Screenplay, Eliot Gibbons; Cameraman, Ernest Miller; Editor, William Morgan.

DIRECTION, Good. PHOTOGRAPHY, Good.

Wometco Manager Changes

Miami, Fla.—A number of changes in the Wometco organization brought Leonard Allen from assistant managership of the Capitol to manager of the Biltmore. Ralph Ramsey, assistant manager at the Grove goes to the same position at the Capitol and Ed Amsden comes from the Lincoln of Miami Beach to the Grove. Gordon Spradley moves from the Biltmore to the State.

Williams Schedules Two

T. R. Williams, who recently became associated with Monogram Productions as a producer, has scheduled two features of the group which he will make for the 1939-40 season. The titles are "Heroes in Blue" and "Night Edition." Shooting is slated to start on the first production early in September.

Fabian Theater Darkens

Albany—Harmanus Bleecker Hall, has been closed indefinitely.

★ SHORTS ★

"Conquering the Colorado" (Adventures Of A Newerel Cameraman)

20th-Fox Thrills And Chills 11 mins.

The story of the conquest of the Colorado River by "Buzz" Holmstrom, an Oregon filling station attendant, is a thrilling saga of adventure. The only man to ever navigate the river alone in a boat, Holmstrom's feat is an outstanding achievement. We first see him starting his journey in the Green River Lakes in the northern Rockies. The cameras cover him closely as he shoots rapid after rapid and safely negotiates the most treacherous parts of the river, avoiding rocks, shoals and whirlpools skillfully. Wrecks of other expeditions are seen on the treacherous journey, grim reminders of the river's power and might. The camera work is excellent. Amos Burg gets credit for it. Narrative of Paul Douglas is fine.

"The Golden West" (Terry Toon)

20th-Fox Fair Cartoon 7 mins.

Cartoon shows a lady, known as the Belle of the Golden West, arriving at a cowtown dance hall and theater for an appearance. The local bad man is apprised of her proximity by his polecat spy and trouble starts. He kidnaps her, and it is not until our hero has chased him for miles and miles and finally defeated him in a wild and woolly hand to hand encounter that our little Nell is safe once more.

Defer Drive-In Writ Hearing

Milford, Conn.—Hearing on the temporary injunction sought by 12 Milford Citizens against the Milford Drive-In Theater on the grounds that it is a public nuisance, has been postponed until Aug. 29. Judge P. B. O'Sullivan of the Superior Court will hear the case. Meantime, remodeling and lowering of speakers is in progress. Residents in the vicinity complain the noise can be heard for a radius of two miles.

Leroux-CM Films Deal

Leroux Film & Trading Corp., of 1775 Broadway, has closed a deal with CM Films, of Paris, for exclusive distribution of latter's new feature, now in production, "La Route Heroique."

Pickus Acquires Annex

New Haven—Albert Pickus, operator of the Stratford Theater, has acquired the 496-seat Annex Theater, built and operated by Joseph DeFrancesco.

PITTS. LONG RUNS REACH NEW HIGH

(Continued from Page 1)

downtown theaters in this city and other key and important situations than at any time during the previous year, among them being "Juarez," "Goodbye, Mr. Chips," "Man About Town," "Bachelor Mother," "Young Mr. Lincoln," "Each Dawn I Die," "Andy Hardy Gets Spring Fever," "Hotel for Women," "Second Fiddle" and "Four Feathers." With the "cream of the crop" still to come, according to the announcements and production schedules of the various distributing companies, the exhibitors here are in a happier and more optimistic frame of mind than they have been for many months.

There does not seem to be any particular choice as to the type of pictures which the movie fans in this territory prefer at present, as the above mentioned holdovers indicate, and what the public seems to enjoy most is variety in screen entertainment. Pictures with snappy dialogue and amusing comedy situations, such as "Love Affair," "Bachelor Mother," "Maisie" and "Hotel for Women," have been very successful at the box office. Also the spectacular, outdoor and western pictures, and biographical productions, providing they carry enough romantic interest and move at a brisk pace. Musicals, if there is enough story along with the music, have gone over big at the box office, and almost any picture with a patriotic theme is sure to draw them in here.

Bank night is still very popular throughout the territory, but giveaways and premiums are slowly but surely on the wane. It is the consensus of opinion that in many cases the giveaway and premium policy proved more harmful than beneficial as it appealed only to a certain type and the majority of movie patrons do not go for it. Another thing which has proven detrimental is the long, drawout program, extending over two-and-a-half hours.

Crites Asks New Trial, of His WB Patent Suit

Application was filed on Friday in the U. S. District Court by Virgil C. Crites for a new trial before a different judge of his suit against Warner Bros. Pictures, United Research Corp., Radtke Patents Corp. and Albert A. Radtke. On July 7 Federal Judge Mortimer W. Byers dismissed Crites' suit, which charged infringement of a patent covering "method of and means for optically reproducing sound," after a two weeks' hearing. The application will be heard on September 5.

Oldfield Returns

Lincoln, Neb. — Barney Oldfield, KFOR film chatter for the Lincoln Theater Corp. program, returned to the air after two week's soldiering at Nebraska national guard camp.

REVIEWS OF NEW FILMS

"Hotel For Women"

with Linda Darnell, James Ellison,
Ann Sothern

20th-Fox 83 Mins.
BRIGHT AND WITTY DRAMATIC
STORY IS A NATURAL FOR AUDIENCES
AND EXHIBS.

A melange of good looking girls, witty and bright dialogue, a well paced story and luxurious settings make this picture real entertainment for audiences and a natural for exhibs. to exploit. Introduction of Linda Darnell as a star under the Zanuck banner is eminently satisfactory, with the young lady extremely attractive and capable in her lead role. She is expertly supported by a cast of talented performers including Ann Sothern, John Halliday and Alan Dinehart. James Ellison handles the male role opposite Linda efficiently and satisfactorily. Elsa Maxwell, who is credited with the story idea, appears in the picture with a flourish here and there and has some good lines of dialogue which she makes the most of. Gregory Ratoff directs the picture deftly, never letting a scene fall off and keeping his characters in line throughout with an excellent pacing of the story. Linda arrives in New York to marry Ellison, her first and only love from Syracuse, who left for the big city a year ago and is making good as an architect. However, he is also making good with the boss's daughter and Linda's arrival is a bit embarrassing. She realizes what has happened and plans to go back home, but Ann Sothern, her next door neighbor in the Hotel Sherrington, "Hotel For Women," reads her the riot act on men, "who are all dogs," takes her out and gets her a job as a model. Linda is a success over night and has a long stag line showering attention on her, with Halliday, Ellison's boss, head man in the race. Lynn Bari, Halliday's cast-off love, confronts Linda and Halliday in his apartment at a tete-a-tete dinner and shoots him. Ellison, who is waiting outside for Linda to leave in order to explain that he really loves her and has been a fool, arrives on the scene. Halliday explains the whole thing as an accident to the police, but the publicity ruins Linda as a model and she and Ellison flee the big and wicked city to get married.

CAST: Linda Darnell, James Ellison, Elsa Maxwell, Ann Sothern, John Halliday, Alan Dinehart, Lynn Bari, Jean Rogers, June Gale, Joyce Compton, Elsa Maxwell, Katherine Aldredge, Sidney Blackmer, Mary Healy, Amanda Duff, Chick Chandler, Gregory Gaye, Charles Wilson, Herbert Ashley, Ivan Lebedeff, Helen Ericson, Barnett Parker.

CREDITS: Associate Producer, Raymond Griffith; Director, Gregory Ratoff; Screenplay by Katherine Scola and Darrell Ware, based on a story by Elsa Maxwell and Katherine Scola; Cameraman, Peverell Marley; Editor, Louis Loeffler.

DIRECTION, Fine. PHOTOGRAPHY, Excellent.

New Organization to Start

Louisville—The new Theater Business Association of Kentucky, organized by indie exhibs. in a move to bring down film rentals, will be functioning within a month, Jesse L. Lausman, Louisville, temporary president, announced.

"The Adventures of Sherlock Holmes"

(HOLLYWOOD PREVIEW)

20th Century-Fox 85 Mins.
FINE SUSPENSE IN CONAN DOYLE
CLASSIC WITH RATHBONE SCORING AS
FAMOUS SLEUTH.

Has been deftly directed by Alfred Werker, with Gene Markey as associate producer. The action moves with a brisk tempo, and the suspense is maintained to the very end when Sherlock Holmes, splendidly portrayed by Basil Rathbone, finally traps the Master Criminal Moriarty (George Zucco). Ida Lupino is very convincing as the girl who finds herself marked as a victim of mad murderers already responsible for the death of her father. Nigel Bruce is likeable as Holmes' confidant. Others in the cast who do capable work are George Zucco, Alan Marshall, Terry Kilburn, Henry Stephenson, Arthur Hohl and Peter Wiles. The story opens in a court room where Moriarty, guilty of a murder, has been acquitted because of lack of evidence. Sherlock Holmes is determined to see that Moriarty is proved guilty of the crimes he has committed. Ida Lupino comes to Holmes with a note of warning which means that her brother, Peter Wiles, will be killed on the 11th of May. The same type of note was sent to her when her father was murdered a number of years ago. Peter is killed on that day by one of Moriarty's henchmen, and on May 13th Ida receives another warning that she will be the next victim. Moriarty, who seeks to secure the crown jewels sends these notes to distract Holmes' attention from his plans. Through a ruse, Moriarty gains access to the Tower of London where the jewels are kept, and it is there that Holmes traps Moriarty, and in a scuffle, Moriarty falls from the building and is killed. Holmes has also saved the life of Ida, and in the end she is reconciled with her fiancé Alan Marshall.

CAST: Basil Rathbone, Nigel Bruce, Ida Lupino, Alan Marshall, Terry Kilburn, George Zucco, Henry Stephenson, E. E. Clive, Arthur Hohl, May Beatty, Peter Wiles, Mary Gordon, Holmes Herbert, George Regas, Mary Forbes, Frank Dawson, William Austin, Anthony Kemble Cooper.

CREDITS: Associate Producer, Gene Markey; Director, Alfred Werker; Based on the play "Sherlock Holmes" by William Gillette (with the permission of the executors of the estate of the late Sir Arthur Conan Doyle); Cameraman, Leon Shamroy, ASC; Art Directors, Richard Day and Hans Peters; Editor, Robert Bischoff; Musical Director, Cyril J. Mockridge.

DIRECTION, Deft. PHOTOGRAPHY, Good.

Quigley Brings Out Tenth Annual Edition of Almanac

The 1939-40 Motion Picture Almanac was distributed over the week-end by Quigley Publications. Containing 1,129 pages, the new book includes the biographies of 11,500 individuals, told in approximately 1,000,000 words. In addition, the Almanac offers interesting data on production, distribution and equipment. This is the 10th edition of the book. Terry Ramsaye is the editor.

WB TO CONCILIATE CLEARANCE PROBLEMS

(Continued from Page 1)

in actively to iron out problems relating to clearance in this territory. Conciliation now offers the exhibitor of this state a marvelous opportunity to accomplish process even though, for the present, the matter of the code is delayed.

While Cohen was speaking specifically for his own territory, Sears told THE FILM DAILY that the same practice would be open to all territories. He explained that he did not want to get involved in a political scheme of conciliation but that where he believed an exhibitor had a just complaint regarding unfair clearance, he would not refuse to attempt to make adjustments, if the problem concerned Warner Bros. pictures.

Cohen, in commenting further on the proposal, stated: "Under the foregoing proposed method of operation, there is no doubt but that many of the other distributors will fall in line and let's try and make it a point to show the rest of the country that exhibitors in New York State can and do settle their problems without the necessity of forced regulation."

Three Provisos to Govern James Roosevelt's Survey

(Continued from Page 1)

commitment to make specific recommendations unless such recommendations seem advisable to Roosevelt;

That it is understood by the producers' association that Roosevelt is free to contact any and all members of the industry during the course of study, and

That no stipulations of secrecy shall be attached to the investigation or its results.

Goldwyn Modifies "Glory" Scenes to Suit P. I. Prexy

Samuel Goldwyn has informed President Manuel Quezon of the Philippines that scenes in "The Real Glory" to which the Philippine government had protested had been changed so that no slur would be cast on the Filipino as a soldier. Action was taken following a conference with Resident Commissioner J. M. Elizalde by Goldwyn and James Roosevelt, studio vice-president.

The alleged objectionable scenes were modified so that all parties were satisfied.

Sells "Sudan" Rights

West Coast Bureau of THE FILM DAILY

Hollywood — Mitch Leichter has sold the rights to "Sudan" to the Sack Amusement Co. for Chicago, St. Louis and Milwaukee. Jack Adams Exchange of Dallas, Tex., has bought the rights for Texas and Oklahoma. Leichter is now in New Orleans and is headed for New York to close other deals.

Intimate in Character
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Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 41

NEW YORK, TUESDAY, AUGUST 29, 1939

TEN CENTS

Movietone Has Crew of 200 Men for War Coverage UA ASKS DISMISSAL OF GOVERNMENT EQUITY SUIT Nebraska's Autumn Film Business Depends on Crops

**Pix on Their Own in Neb.;
Giveaways Given the Axe;
Exhib. Hopeful**

By **BARNEY OLDFIELD**

Motion Picture Editor

Lincoln Sunday Journal and Star

Lincoln, Neb.—Films are strictly on their own in Nebraska, with giveaways being cracked down as fast as they shove head up in the state. It has been a bad three-quarters of a year.

Autumnal picture is hazy, although all indications are that there will be a slight upswing. The farmer got a little money for his wheat, but his corn is none too

(Continued on Page 12)

SEPT. 20 DATE SET FOR RKO HEARINGS

Federal Judge Samuel Mandelbaum yesterday adjourned hearings in the RKO proceedings to Sept. 20 at 10:30 a.m. to await the return of Federal Judge William Bondy from his vacation.

The adjournment was granted on the request of Hamilton C. Rickaby,

(Continued on Page 3)

Newspaper Critics Launch Own National Organization

An association of motion picture editors and critics has been formed under the name of Newspaper Film Critics of America. Group was launched over the last week-end by

(Continued on Page 12)

Hays, F.D.R. Confer

Washington Bur., THE FILM DAILY

Washington—A 10-minute conference took place at the White House yesterday between President Roosevelt and Will H. Hays, president of the MPPDA. Following his short conference, Hays departed directly from the White House without disclosing the nature of his conversation with the chief executive. He was not on the day's calling list, and was not accompanied by any film exec.

All Right, All Right—We Believe It!

Richmond, Va.—While "Hotel for Women" was showing at the Capitol, which is across the street from the Broad Street Station, a couple, just arrived in town, walked up to the box-office and asked for the manager. When he appeared the woman asked the price of the rooms and wanted to know if he would allow her husband to stay at the "hotel" with her for the night. Alex Ravdin, manager, vouches for this true story.

To Demand Revoking of AFA Charter, Ousting of Whitehead by IA Prexy

Revocation of the IATSE-AFA charter and the ousting of Ralph Whitehead, executive secretary of AFA, are reliably reported scheduled to be demanded today by Kenneth Thomson and Paul Dulzell when they meet with George E. Browne, president of IATSE.

Thomson, executive secretary of SAG, and Dulzell, executive secretary of Actors' Equity, were designated yesterday by the International

Board of AAAA to confer with Browne, following a report from Ralph Morgan, SAG president, Thomson, and Laurence Beilenson, SAG counsel, on the progress of negotiations with IATSE which were initiated in Hollywood last Thursday by representatives of the A F of L.

A statement from AAAA said, "The International Board reviewed

(Continued on Page 7)

Pettijohn Says He Did Not Talk Pix With Duce

With the European political situation on the verge of an explosion, the Normandie arrived yesterday with a near-record list of film industry luminaries, including C. C. Pettijohn, general counsel for MPPDA, Harry Cohn, Columbia prexy, and others, as the exodus of American nationals abroad both for

business reasons and vacations was intensified.

Pettijohn reported that he had conferred with Mussolini while in Italy, but stated that they did not discuss films. Pettijohn's son had an audience with the Pope while they were in Rome.

Josef Von Sternberg disclosed

(Continued on Page 6)

Newsreel Men Standing Ready For Emergency; Europe Zoned

New Newsreel Chain Opens First Unit in S. F. Sept. 2

San Francisco — The Telenews Theater, first unit of the new Pacific Newsreel Theaters, Inc., opens here September 2 after \$100,000 spent in alterations and equipment

(Continued on Page 12)

Fox Movietone News now has a staff of 200 men split up in a war zone basis in Europe with all crews standing by for emergency orders at the present time, it was learned yesterday with the arrival of Russell Muth, European director for Movietone.

Unprecedented coverage results

(Continued on Page 7)

UA Denies Major Portions of Equity Charges In 13-Page Answer

In a 13-page answer filed yesterday in the Federal Court, United Artists Corp. requested the dismissal of the Government's N. Y. equity suit against the company, and denied the major portions of the Government's charges.

The answer was filed for Harry D. Buckley, Arthur W. Kelly, Harry J. Muller, Dennis F. O'Brien, Edward C. Raftery, Emanuel Silverstone, Theodore Caruso, James Roosevelt, in addition to UA.

UA denied all charges of coercive practices and specifically refuted any implications that it worked in collusion with other majors in putting down conditions for the sale

(Continued on Page 6)

COL. AWARDED NEW CONTRACT TO ASHER

A new contract with Irving Asher to produce in England for Columbia is being worked on now, the new pact calling for an increase in the number of pictures, Harry Cohn, president, revealed yesterday when he returned from Europe on the Normandie.

Cohn said that Asher is starting

(Continued on Page 3)

Oklahoma Allied to Launch First Conclave Sept. 26-27

Oklahoma City — September 26 and 27 have been set as definite dates for the first annual convention of the Allied Theater Owners of Oklahoma with the Biltmore Ho-

(Continued on Page 12)

Mich. Bans Games

Detroit—All types of Bingo or Keeno games, even when operated by veterans' organizations or similar groups, are illegal, Michigan's Attorney-General Thomas Read has ruled.

THE Film DAILY

ALL THE NEWS
ALL THE TIME

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CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11	11	11	
Col. Picts. vtc. (2 1/2%)	7 1/2	7 1/2	7 1/2	- 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.				
East. Kodak	165	161 1/2	163 1/2	- 3 1/2
do pfd.	174	174	174	- 2
Gen. Th. Eq.	10 1/8	9 7/8	10	
Loew's, Inc.	40 1/2	40	40 1/2	+ 1/4
do pfd.	107	106	106	- 2 1/8
Paramount	8 1/4	7 3/4	8	- 3/8
Paramount 1st pfd.				
Paramount 2nd pfd.	9 1/4	9	9 1/4	- 1/8
Pathe Film	9 7/8	9 1/4	9 5/8	- 1/2
RKO	1 3/4	1 5/8	1 5/8	
20th Century-Fox	17 3/8	17 1/4	17 3/8	- 5/8
20th Century-Fox pfd.	28 5/8	28 3/8	28 5/8	+ 1
Univ. Pict. pfd.				
Warner Bros.	4 1/4	4 1/8	4 1/4	- 1/4
do pfd.	52	51	52	+ 1

NEW YORK BOND MARKET

Keith B. F. ref. 6s46				
Loew's deb. 3 1/2s46	102	102	102	- 1/8
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	89 3/4	89 3/4	89 3/4	
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.				
Technicolor	13 3/8	13 1/4	13 1/4	- 1/2
Trans-Lux	1 1/4	1 1/4	1 1/4	
Universal Corp. vtc.	3 1/2	3 1/2	3 1/2	
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100 1/2	
Fox Thea. Office Bldg. 1st '46	3 3/8	4 3/4
Loew's Thea. Realty 6s 1st 547		
Met. Playhouse, Inc. 2nd deb. '45	65	68
Roxy Thea. Bldg. 4s 1st '57	63 1/4	65 1/4

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SECURITY

Producers and Publicists Reach Agreement on Wages

West Coast Bureau of THE FILM DAILY

Hollywood—Producers and screen publicists guild have adjusted their principal differences and Guild membership has instructed its negotiating committee to proceed with signing a contract. The final offer made to the Guild by producers was a minimum of \$100 a week to publicists with five or more years experience, with juniors to receive \$50 the first year, \$55 the second year and \$60 thereafter.

The producers refused to grant any severance pay, contending that they did not wish to establish a precedence for other employees. Producers will be required to give five weeks dismissal notice. Guild and producers have agreed in principle, with slight modifications, on the demands for one hundred per cent Guild shop. Agreement is expected to be for five years.

Ousted Manager Testifies On Charges Before NLRB

Springfield, Mass.—Harry Storin former manager of the Paramount Theater, testified last week in the preliminary hearing before Examiner Daniel Collins of Boston of the State Labor Relations Board here, on the charge that Storin was charged from his employment by Western Massachusetts Theaters, Inc., for union activities.

Storin said that Harry Smith, division manager for the corporation, called him to the latter's office last Spring and warned him that any manager engaged in such activities would find himself sent to one of the cheaper theaters in the circuit, in the event that the newly formed Theater Managers, Agents and Treasurers' A F L union lost out. Smith was referring to "top-flight managers," Storin said. Storin's salary was \$80 a week.

W. Pa. MPTO Launching Survey of Sales Policies

Pittsburgh—The MPTO of Western Pennsylvania has instituted another survey of product to determine the actual sales policies of the various film distributing organizations, and when an accurate analysis has been completed it will be available for its members at the local headquarters. Survey cards have been distributed for this purpose and a larger response than ever is anticipated.

M. A. Rosenberg, president, and Fred J. Herrington, secretary, have issued a bulletin requesting exhibitors to attend an important meeting to be held early in September, in preparation for the MPTO's annual convention in October, by which time they expect to have the trade survey completed.

Goldstone With Times

Harry Goldstone is now associated with the New York exchange of Times Pictures, Inc.

ITO of West Va. Extends Convention Several Days

Pittsburgh—R. J. Hiehle, president, has announced that the annual convention of the ITO of West Virginia, which was originally scheduled for only one day, September 26, has been extended several days due to the number of matters of importance to be discussed and voted upon at this meeting. The date of the main business meeting and the banquet will remain the same.

Election of officers will be one of the features of the meeting of this new Allied unit. Irving Daniel Davis, chairman of the convention committee, is preparing an elaborate program for the entertainment of all who attend, and exhibitors have been invited to bring their wives as well as any other guests.

Basic Studio Pact Confab is Adjourned to October

Meeting between producers and A F of L unions on renewal of the studio basic pact, held last week in Newark, N. J., was adjourned until some time late in October, it was learned.

Producers were stated to be strongly opposed to any changes in wages or working conditions until after the war threat in Europe is cleared, or its effect upon production determined.

Next meeting on the basic pact will follow the two-week A F of L convention which opens Oct. 1.

Among those who attended last week's conferences were Nicholas M. Schenck, Barney Balaban, George J. Schaefer, W. C. Michel, Joseph Hazen and Pat Casey.

Paramount Newsreel Issues Special European Release

Graphic pictorial highlights of the ever-changing scenes and events of the war-scarred capitals of Europe were received here Sunday and made ready for a special issue of the Paramount Newsreel within 48 hours after actual happening.

This special war issue will supplant the regular mid-week issue of the Paramount News and is said to be the longest newsreel program ever released by any company. The average newsreel runs between 900 and 1,000 feet while this special release to exhibitors is more than 1,300 feet, according to A. J. Richard, editor of the Paramount Newsreel.

Lefton Returns

Pittsburgh—Lew Lefton, branch manager for Monarch Pictures here, has resumed active duty once more after being away from the office several months, during which time he was confined to a local hospital for treatment and a very serious operation, from which he has now fully recovered.

COMING AND GOING

MURRAY SILVERSTONE arrives here this morning from Hollywood.

NATE J. BLUMBERG, "U" prexy, and his wife, are expected to leave the Coast next week for New York.

WILLIAM F. RODGERS, Metro sales chieftain, has arrived on the Coast for a 10-day stay at the studio.

HARRY COHN, C. C. PETTIJOHN, C. C. PETTIJOHN, JR., RUSSELL MUTH, European manager of Fox Movietone News, STEVEN FITZGIBBON, manager of Movietone's New York studios, JOHN McKEON, chairman of the Roxy board of directors, JAKE MILSTEIN, Eastern representative for Edward Small, LEE SHUBERT, ROLAND YOUNG, CONSTANCE BENNETT, SONJA HENIE, GEORGE RAFT, J. A. McCONVILLE, foreign head for Columbia, MRS. McCONVILLE, and their son and daughter, DONALD and JANET, JOSEF VON STERNBERG, MRS. HOWARD DIETZ, BARBURAO PATEL, editor of Filmindia, India trape paper, JAMES STEWART, CAPT. COLIN KEITH JOHNSON, English star, arrived yesterday on the Normandie.

J. H. HOFFBERG is in San Francisco.

MITCHELL LEICHTER, producer, arrives here today with a print of his newest film, "Sudan."

JED HARRIS and BOBBY CRAWFORD have arrived on the Coast from Chicago.

RONALD REAGAN, Warner player, arrives here the latter part of this week from Hollywood.

EDNA BEST, English actress, and MRS. DOUGLAS FAIRBANKS, are due tomorrow on the Nieuw Amsterdam.

MR. and MRS. JAMES DURBIN, parents of Deanna Durbin, arrive today from Europe on the Aquitania.

EDDIE NEWMAN, manager of the Lyceum Theater, Winnipeg, Canada; B. K. BEACH, secretary-treasurer of the Western Theaters, Inc., Winnipeg, and R. B. BEACH, assistant manager of the Capitol Theater, Winnipeg, were recent guests at RKO's exhibitors' lounge.

TYRONE POWER and his wife, ANNABELLA, who have been on a honeymoon in Europe for six weeks are scheduled to arrive in New York on the Dixie Clipper tomorrow morning.

W. E. CALLAWAY, West Coast district manager for Warner Bros., and N. H. BROWER, Los Angeles branch manager, are in New York for conferences with Gradwell L. Sears and Carl Leserman.

WALLACE BEERY and his daughter CAROL ANN BEERY, arrived in Chicago yesterday en route to Cleveland for the air races. From Cleveland they will come to New York to attend the World's Fair.

RALPH MORGAN, SAC prexy, KENNETH THOMSON, secretary, and LAURENCE BEILENSON, counsel, leave for the Coast tomorrow night by plane.

New Paramount Title

"Honeymoon in Bali" has been chosen as the final title for the Madeleine Carroll-Fred MacMurray co-starring picture previously called "Are Husbands Necessary" and subsequently "My Love For Yours."



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 29
R. M. Savini
Hanah Kass

SEPT. 20 DATE SET FOR RKO HEARINGS

(Continued from Page 1)

counsel for the Atlas Corp. Group. It was also learned yesterday that the question of the fairness of \$4.40 as the price of the new RKO common stock will be taken up by Special Master George W. Alger at a hearing to be held immediately after Labor Day.

Alger stated that the SEC, whose presence is required, would be unable to appear before that time.

Upon being questioned as to whether the present situation in Europe would necessitate a delay in the hearings, Alger asserted that he did not know.

India Trade Paper Editor Here for Technical Data

Arriving here yesterday on the Normandie for a two months' stay, Barburao Patel, editor of Filmindia, stated that he hoped to interest American film technicians in Indian production with a view to improving its technique, and also that he hoped to be able to meet the leading Hollywood producers in order to get a more sympathetic understanding of Indian subjects produced in films here.

Patel, who is also president of the Film Journalists' Association of India and a member of the Central Board of Governors of the Motion Picture Congress of India, spent several months in Europe making a survey of the film industry there before embarking for America. This is his first trip here.

He reported that a building program of theaters in India for 1939-40 will add between 300 and 400 new houses to the 1,200 now in use. In addition to these theaters there are also between five and six hundred traveling theaters. India studios, which are being modernized rapidly, will turn out about 300 features this year, he said. No restrictions of any kind beyond the customary duties exist in India, it was learned.

Patel will spend several weeks here before going to Hollywood.

Yorke Forms Teleview; Talks Deal With Major

With a planned schedule covering production of a series of "short" shorts entirely new in theme and development for a prominent merchandising combine, Emerson Yorke, independent shorts producer, announces the formation of Teleview Productions which he will head and direct as an affiliate to his regular production activities.

It is said a major film company is negotiating with Yorke regarding production and distribution of certain product which will have prior film release via the major with non-theatrical distribution vested in Teleview Productions.

ALONG THE



WITH PHIL M. DALY

● ● ● THESE are the dog days for the trade paper news hounds although most of 'em admit that there is more going on in the trade this Summer than there was last year about this time.....last Summer the only big news was Motion Pictures Greatest Year.....so that gives you an idea.....

● ● ● BUT now we have government suits, trade practice codes and labor pow-wows.....so just out of curiosity we looked through the files of Ye Olde FILM DAILY of just 10 years ago..... and were surprised to find that history was more or less repeating itself.....

● ● ● LABOR was having an inning then as now.....Equity was demanding 80 per cent membership minimum in all movie casts and the producers were saying nunno.....There was much ado over arbitration, and Charlie Pettijohn announced that arbitration was functioning in all key cities except Minneapolis.....

● ● ● FIRST issue of Paramount Sound News appeared..... Columbia had just closed for Walt Disney's Silly Symphonies..... Allied, a little struggling group, was about to close a five-year franchise deal with Tiffany-Stahl.....the FILM DAILY blared forth the news that there were 5,251 U. S. houses wired for sound "The Cock-Eyed World" was breaking all records at the Roxy.....major companies were making a mad scramble for theaters.....and Sidney R. Kent made the astounding prediction that the demand for talking pictures would become more urgent and the market for silent pictures would steadily decrease.....

● ● ● COCKTAILS will be had by guests of W. G. Van Schmus in the studio apartment of the Music Hall.....tomorrow afternoon..... the occasion serving to present William Holden, Adolphe Menjou, Lee Cobb and Sam Levene, of the cast of Columbia's "Golden Boy".....

● ● ● CELEBRATING his fortieth year with Eastman Films George Blair.....that genial gent whose friends in the industry number literally thousands.....George is sales manager in charge of South and Central America, the Far East and Canada.

● ● ● ON the word of Lynn Farnol.....the broadest national advertising program in the history of Walter Wanger Productions is being planned for "Eternally Yours".....starring Loretta Young and David Niven....advertisements in both black-and-white and in two colors are being prepared for a list of general mags such as Life, Look, Satevepost, Liberty, Time, Colliers and Cosmopolitan.....in addition to newspaper advertising to support the picture in its key engagements.....Donahue & Coe has been appointed to handle all forthcoming Wanger pictures for the new season.....

● ● ● GRANDPA Eddie Golden of Monogram sits around spinning yarns about his granddaughter, Janet Ann.....just three weeks old.....he gets a wire every day from his son on the Coast about the youngster.....

« « « » » »

COL. AWARDED NEW CONTRACT TO ASHER

(Continued from Page 1)

on his second picture on the current contract next week. Pact now in effect calls for four. He reaffirmed plans of the company which were printed in THE FILM DAILY last week regarding a Wesley Ruggles-Cary Grant picture to be made in England.

He stated that renewal of the Columbia deal with Frank Capra is still in the air, but that if the deal is consummated Capra will in all probability make "Chopin," a Columbia property. Cohn said that offers had been made for the "Chopin" rights by other studios, but it was not for sale.

Asher's first picture under the current contract has been completed, and the first French picture the company has made has also been completed, it was learned. French film, which was directed by Julien Duvivier, is slated for distribution here.

J. A. McConville, foreign sales head of Columbia, also returned on the Normandie. He reported the company's general European business as being ahead of last year, that all plans had been completed for opening of new offices in France and Northern Africa.

McConville was enthusiastic about the French government's action in abrogating the visa system, and expressed the opinion that it would not only help the American distributors but would also benefit the French producers. He also said that careful plans had been laid to protect the company's property and personnel in the event of war in

D. W. Griffith Will Produce "1,000,000 B. C." for Roach

D. W. Griffith is returning to active duty, after an absence of eight years, it was announced yesterday. He will be the producer of the forthcoming Hal Roach spectacle, "1,000,000 B. C.," the saga of a prehistoric man and woman in their struggle for existence against the monsters that surround them. UA will release it.

"1,000,000 B. C.," upon which Griffith is now doing preparatory work, is scheduled to go before the cameras immediately following the completion of John Steinbeck's "Of Mice and Men."

"Golden Boy" on the Air

A radio dramatization of "Golden Boy," Columbia Pictures' Rouben Mamoulian production, will be presented on the Magic Key Hour on Monday, Sept. 4, from 9 to 10 p.m., EDST over the WJZ Blue Network of the National Broadcasting Company. Barbara Stanwyck, Adolphe Menjou and William Holden, stars of the film and Lee J. Cobb, featured player will appear in the roles they portray in the picture. Lowell Thomas will introduce the players.

KEEP

ON

WATCHING

Quality is not

Every window now selling tickets for 'The Sign of the Cross'—once again how Warners *keep pitching* is raking in the same screaming grosses. On Your Toes—and keep right on watching.

BETTE
DAVIS • DONALD CRISP
"THE SIGN OF THE CROSS"
GEO. ARNTS

DONALD CRISP • JANE BRADY
STEPHENSON • JEROME COVINO
Directed by EDWARD D. MYRTON
Screen Play by Casey Robinson • Based on
the Novel by Edith Wharton • M. P. A. Approved

JACK L. WARNER • HAROLD L. WARD
In Charge of Production Executive Producer

WARNERS

KEEP

Passing Fashion

'Old Maid' is sensationally demonstrating
every day everywhere our first show for '39-40
has put Warners in front in '38-39! So stay
and see how Warners keep right on walloping!

MIRIAM
DOPKINS
OLD MAID
CURRENT

LUIS FAZENDA • JAMES
LUNDIGAN • CECILIA LOFTUS
GOULDING
Fitzgerald Prize Play by Zoe Akins and
George S. Kaufman • A First National Picture

ALIS • HENRY BLANKE
Associate Producer

ON

WALLOPING!

PETTIJOHN DID NOT TALK PIX WITH DUCE

(Continued from Page 1)

that he had been in Europe for the purpose of producing a picture, but that the political situation had caused a cancellation of all plans. He leaves for Hollywood in a few days. He said that he had no immediate plans for Coast production.

"Jake" Milstein returned after arranging to present Edward Small's "The Man In The Iron Mask" at the Odeon Theater, London, on Sept. 4. He went to England to set the advance campaign on the film. He expressed some concern as to whether or not the picture would open, due to the current situation. He also arranged some booking deals. Lee Shubert, theatrical producer, stated that Constance Bennett, also a passenger, and Simone Simon were both reading plays he plans to produce here this Fall.

Sonja Henie flies to the Coast tomorrow night to start work at 20th-Fox in "Everything Happens At Night," and George Raft, both of whom were also arrivals on the French liner, leaves for Hollywood tomorrow night to start work at Warners in "Invincible Stripes."

Several Managerial Shifts To be Made in Newark, N. J.

Newark, N. J.—Several managerial shifts are being made this week in local houses and the suburbs. Richard C. Carton, former manager at the Plaza is taking over similar duties at the Mayfair. Anthony R. Ferrari has been made assistant. The Plaza will be managed by Madeline Kridel. Both houses are owned by Harry A. Kridel.

Jack Hagerty is the new boss at Warner's Union Theater, in the town of that name. He was formerly relief manager at the Embassy and at the Palace, both in Orange.

May Form New Independent Circuit in the Gulf States

New Orleans—Formation of a new independent theater circuit in the Gulf States loomed possible here yesterday when it became known that Jeff Rebstock, exhibitor of Golden Meadows, La., and Bill Castay, head of the Louisiana Motion Picture Supply Corp., were planning to open jointly at Norco, La., and to construct a Negro house at St. Martinville. The pair are quoted as saying they have other locations in mind.

STORKS!

Pittsburgh—Mr. and Mrs. Anthony Mungello, of the Mary-Ann Theater, Burgettstown, and the Penn Theater, Slovan, Pa., are the proud parents of a 7½ pound boy.

Ed Levy Resigns MPTOA Post

President Ed Kuykendall of the MPTOA yesterday announced the resignation of Ed Levy of New Haven as general counsel of the organization. Levy has not been active in MPTOA affairs for more than a year, the MPTOA president stated.

Col. Short Subject Dept. Is Starting Busy Season

The last week of August and the first in September will be a busy period for Columbia's short subject department. In addition to two Clyde comedies, the first of which is now in work, the department will launch two Community Sings, one dedicated to the songs of Stephen Collins Foster, and the other presenting a medley of college songs.

Hugh McCollum, who has produced most of the Columbia Community Sings since their inception three years ago, completed all assignments for these films this week. Sam Nelson, who has been exceptionally successful with this type of musical short, has been assigned to direct both Sings. The same period of activity will see Charley Chase returning to the Columbia lot for his first two-reel comedy of the new season.

"U" to Release ABC Pictures in Australia

London (By Cable)—Associated British announces that a deal was recently concluded with Dan Casey, general sales manager of Universal in Australia, whereby Universal will distribute the entire ABC lineup in Australia.

While in London, Casey stated that Universal had closed with the Charles Chauvel company, Australian producers, for two super-films to be handled by his organization in the Commonwealth. He added that "U" would distribute 52 pictures in Australia this year plus the Associated British output and the two Chauvel productions.

Denied Preliminary Exam. of WB, Vita. Before Trial

New York Supreme Court Justice Thomas Noonan denied the application of Leo Manton and Eleanore Ninor, known as Ninor & Manton, for an order directing Warner Bros. Pictures, Inc., and the Vitaphone Corp. to appear for examination before trial.

Ninor & Manton are plaintiffs in a suit for \$25,000 damages, injunction and accounting against Warners and Vitaphone which charges illegal use of the title "Si, Si, Senorita" in a film short.

Plaintiffs claim prior ownership and use in a vaudeville sketch.

4th Week for "Maid"

Setting new house records, "The Old Maid," Warner Bros.' new screen drama co-starring Bette Davis and Miriam Hopkins, will be held over by the Strand Theater for a fourth week, starting Friday, it was announced yesterday.

Wis. Theaters May Escape Threat of Amusement Tax

Madison, Wis.—Threats of possible theater taxes appeared somewhat mitigated as the result of senate action indicating it favored diversion of \$7,500,000 of highway funds for the next biennium in order to balance the state budget.

Diversion of highway funds was recommended by exhibitor leaders at past hearings as a means of forestalling admission and occupational theater taxes.

The Senate is expected to consider action on the diversion proposal when it reconvenes today.

Auten to Ask Examination of Societe Pathe's Execs.

Harold Auten has filed notice that he will apply to the Supreme Court here for an order directing Bernard Natan, president; Emil Natan, vice-president; Marcel Hellman, sales representative; and O. Jacquemin, employe, of Societe Pathe Cinema S.A. to appear for examination before trial.

Suit was brought by trustees of Societe for \$350,000 against Auten and claimed that this sum was due from distribution in the U. S. of plaintiff's pictures.

Auten is counter-claiming for \$17,500.

New Biz Drive Prizes for B-T's Tarzan Film

Burroughs - Tarzan Enterprises, Inc., has inaugurated a special drive for business on its latest Tarzan picture, "Tarzan and the Green Goddess" extending from Aug. 15 to Sept. 30. Prizes will be awarded to independent exchanges attaining first, second and third place in gross new business. New prints and additional advertising accessories are being sent to exchanges.

"Tarzan and the Green Goddess" is the last of the independently produced Tarzan pictures, M-G-M having acquired exclusive rights to all Tarzan stories.

Notables See "Harvest," Protest Its Ban in N. Y.

Among the notable people in the world of the films, theater, literature and education who have seen "Harvest" during the past week at private showings protesting the banning of the picture by the New York censors, have been Katharine Hepburn, Alexander Woolcott, Moss Hart, Robert Flaherty, Bruce Bliven, Andre Maurois, Arthur Garfield Hayes, Iris Barry, Professor Frederic Thrasher, Anita Block, Dr. Worth M. Tippy, Harry Hansen, Bennet Cerf, Babette Deutsch, George W. Kirchwey and Mary Ware Dennett.

UA ASKS DISMISSAL OF GOVERNMENT SUIT

(Continued from Page 1)

of its product. Moreover, the answer denied in all respects the Government charges that the motion picture industry was dominated and controlled by the eight major companies.

Complaint was noteworthy for a great number of denials of information and belief as to Government allegations and statistical statements.

UA claimed that it knew nothing about the production methods employed or the alleged monopolistic practices in that field, or of alleged coercive methods employed against exhibitors or the acquisition of theater properties.

The answer in denying harsh selling methods stated that UA from time to time acting separately and independently from other companies, signed contracts with exhibitors in which UA reserved the right to designate play dates, prohibited on some occasions the exhibition of certain pictures of double feature programs, imposed score charges, provided for clearance, and required a minimum admission charge.

In another part of the answer, UA stated that from time to time when it was to its monetary advantage, it made advertising allowances, reduced film rentals and made agreements for move-overs.

The answer was signed by Edward C. Raftery as secretary of the company.

Mono. to Release Six Pix on "Renfrew" Novels

Monogram has closed a contract with Phil Goldstone, Criterion Pictures prexy, to release six productions which Criterion will make based on Laurie York Erskine's "Renfrew" novels.

Two of the features have been completed — "Crashing Thru," another still untitled, both of which are available for immediate release. Two others go into production after Labor Day. Phil Krasne is producing the series, and Jimmy Newell will enact the title role.

Quits Show Biz

New Orleans—Joe Bodion, who for years has operated the People's Theater here turned over his lease to the Aucoin interests and will devote himself entirely to the operation of a huge sugar and syrup mill he is constructing here.

Boom Times

Cleveland—Local downtown first-run theaters last week enjoyed the best business they have had in the past 13 weeks. The take went up almost forty per cent over Summer averages. Attractions were "The Wizard of Oz," "Stanley and Livingstone" and "Clouds Over Europe." "Bachelor Mother" held up strong in its fourth week and "Four Feathers" did well on a hold-over.

MOVIETONE HAS 200 MEN IN WAR AREAS

(Continued from Page 1)

from the recent trip of Movietone Chieftain Truman Talley to Europe, with Talley making all his plans at that time. Company now has production centers in London, Paris, Berlin and Madrid, but additional production centers have been arranged for in Baltic countries which are expected to be neutral in the event they are forced to move their headquarters.

Talley also re-equipped his organization completely with new cameras and other necessary equipment where it was needed, spending approximately \$150,000 on his equipment program. Most likely city where Movietone will produce will be Stockholm in the event of war.

Zone 1 under the new Movietone setup, comprises the British Isles with a staff of 60 under Sir Gordon Craig and Gerald Sanger, editor. Zone 2 is comprised of Poland, Danzig, Norway, Sweden, Lithuania, Estonia, Finland and Latvia with a staff of 6 cameramen spotted in strategic points under supervisor William Murray. Zone 3 is made up of Germany, Hungary, Rumania, Bulgaria and Greece with 70 men under supervisor Robert Hartmann.

Zone 4 is comprised of France, Belgium, Holland and Switzerland with a staff of 50 men under supervisor Frederick Fesneau. Zone 5 is made up of Spain and Spanish Morocco with 10 men under supervisor Louis Dias Amado. and Zone 6 is comprised of Italy, Yugoslavia, Albania, Libya, Tripoli, Egypt and Turkey with a staff of 8 men under supervisor Ettore Pillani.

In countries with production centers the staffs include sound men, editors and others, but in other spots crews are almost entirely cameramen. Arthur de Titta, assistant to Muth in Europe, is now in charge of the European offices.

Injunction Refused Dance Team vs. Actors' Federation

New York Supreme Court Justice Ferdinand Pecora has denied the application of Edwin W. Kay, Katya Komer and Byron Kay, ballroom dancing trio known as Kay, Katya & Kay for an injunction against the AFA to restrain it from picketing places of performance of the plaintiffs.

The Court ruled that the plaintiffs have an adequate remedy at law for damages, and they were not entitled to an injunction since they were not presently employed.

Plaintiffs recently filed suit claiming that they were members of AGVA and that while dancing at La Conga night club were picketed by the AFA.

WB Given More Time to Answer Kuhn Suit

Federal Judge Samuel Mendelbaum yesterday signed an order extending the time of Warner Bros. Pictures, Inc., to file its answer to the \$5,000,000 libel suit of Fritz Kuhn for one week. Warner Bros. had stated that its answer was almost completed and that it required a short additional period of time.

UA's Paris Manager, Three Employees Called to Colors

Paris (By Cable)—Fernet Roubier, manager of the United Artists branch here, and three exchange employees, along with many others in the film industry, have been called to the French colors as general mobilization is accelerated. Blackouts continue in different sections of the country and the film industry generally is at a standstill.

Norma Shearer had difficulty in reaching Paris from the South of France when her car and chauffeur were commandeered by the army, but Metro officials finally arranged transportation for her and she expected to sail on the Champlain last night.

Orders have been received here at all American offices for immediate evacuation of all film players in this country, with neutral countries along the Baltic their destination when passage has been unavailable on ocean going liners. Majority of film office staff have been depleted with the general mobilization. Films are being put in bomb-proof vaults here.

The French Government has extended its war preparations to include, effective yesterday, censorship of all printed publications, radio broadcasts, photographs and newsreels. All news despatches, proposed broadcasts, etc., must be submitted to the newly formed General Information Service for approval. A visa from this bureau will be required on photographs and newsreels before they can leave the country.

TMAT Pickets 2 Houses

Picketing at the Metro and Congress theaters was instigated Friday by the Theatrical Manager, Agents and Treasurers union as renovation work on the two houses was scheduled to start. Theaters, which in addition to the Vogue, are operated by the Peskay, Loew and Baranco interests, are being picketed by the union in protest over the hiring of non-union men in the Vogue, it is asserted by the union. They are seeking a contract and closed shop for the TMAT. Vogue is also being picketed.

WB Denies Moog Charges

Warner Bros. Pictures, Inc., has filed an answer generally denying the complaint of Katherine Moog and demanding a trial by jury. The plaintiff is seeking \$75,000 damages for alleged libel and violation of the Civil Rights Law by the alleged use of her name in the film "Confessions of a Nazi Spy."

Paramount Reports Heavy Business on "Star Maker"

Following its world press premiere in Hollywood, Paramount's latest Bing Crosby starring vehicle "The Star Maker" continues its successful showings in ten additional key city engagements, reports to Paramount home office indicated yesterday.

On opening day at the Pulaski Theater in Little Rock, "The Star Maker" ran more than 80 per cent ahead of "Union Pacific." In San Francisco, at the Paramount Theater, it outgrossed any recent Paramount picture and topped the receipts on "Man About Town," "Midnight" and was neck and neck with "Union Pacific."

In its first three days at the Buffalo Theater, Buffalo, "The Star Maker" was running 30 per cent ahead of "Union Pacific" and topped the gross of any Paramount picture for the year. "The Star Maker" in its first four days at the Metropolitan Theater in Boston is running 20 per cent ahead of "Union Pacific" and doing similar business as the Chicago Theater in Chicago.

Myers' Clearance Deposition in Frank Ford Trust Suit

Chicago — In his deposition in Frank Ford's Evanston Theater trust action against B & K and the majors, Sam Myers states that prior to 1933, the Teatro Dellago, which he owned from 1926, showed films one week ahead of the Evanston Varsity Theater, but that after B & K took over the Varsity in 1933 the best he could get was one week after the Varsity showing.

Hearings will be resumed this week. Myles Seely was attorney for the majors, with Aaron Stein representing Myers.

Counsel for both the Ford trust suit and the Adelphia Theater suit denied the report that the two actions would be merged.

Dorothy Day to American

Chicago — The Chicago Herald Examiner, Hearst morning paper, ceased publication yesterday, and Dorothy Day, its film critic, will join the Evening American under Dorothy Deere. Herald Examiner's Sunday edition will be continued as the Herald American.

"Song" Opens Sept. 1

"Song of the Streets" the first of eight films to be released by Arthur Mayer and Joseph Burstyn, foreign film distributors, will have its American premiere at the Fifty-Fifth St. Playhouse on Friday, Sept. 1.

WILL DEMAND BROWNE REVOKE AFL CHARTER

(Continued from Page 1)

the future steps of AAAA on matters concerning the IATSE dispute and unanimously agreed on a program."

Morgan, Thomson and Beilenson will return to the Coast tomorrow night via plane.

Warners to Start 25 Pix During Next Six Months

Warner Bros. is rushing preparation on nearly 25 top-budget pictures which will go into work during the next six months. A new schedule has just been completed following conferences between Jack L. Warner and Hal B. Wallis.

Productions and leading players are as follows: "The Sea Hawk," starring Errol Flynn with Dennis Morgan; "Devotion" co-starring Bette Davis and Miriam Hopkins; "Invisible Stripes," co-starring James Cagney and George Raft; "The Life of Alfred Bernhard Nobel," with an all-star cast; "The Patent Leather Kid," starring George Raft and Priscilla Lane.

"Santa Fe," uncast; "John Paul Jones," starring James Cagney; "Bridge of Sighs," with Harold Reagan and Rosemary Lane; "Brother Rat and the Baby," with Eddie Albert, Wayne Morris, Priscilla Lane; "Desert Song," with Dennis Morgan and Frank McHugh.

"Edgar Allan Poe"; "The Fighting 69th," starring James Cagney and George Raft; "Forgotten Eagle," story of Governor Altgeld of Illinois; "Guilty Women," with Jane Bryan and Ronald Reagan; "The Holy Terror," starring Wayne Morris; "The Last Bad Man," with Dick Foran; "Lost Beauty," starring George Brent and Geraldine Fitzgerald.

"Mama Raviola," starring James Cagney and Pat O'Brien; "Menace of the Sea," with Humphrey Bogart, Ronald Reagan and Lya Lys; "Nevada," starring Errol Flynn; "The Poor Nut," with Eddie Albert; "Secrets of a Private Nurse," with Dennis Morgan and Gloria Dickson; "Torrid Zone," starring George Raft and Ann Sheridan; "Underground," starring John Garfield, Geraldine Fitzgerald and Lya Lys; "Timber Wolf," with Dennis Morgan and Gloria Dickson; "We Shall Meet Again," co-starring Bette Davis and George Brent.

TMAT-Helgus Case Delayed

Hearing of the TMAT-Helgus Theater case before the State Labor Relations Board has been postponed. The hearing will be started immediately following the Raybond Theaters-TMAT hearing, whenever it comes to a close. Both cases are petitions by the TMAT for recognition as a bargaining agent in the theaters involved.

PARAMOUNT DOES IT

FILMS SHOWING CRISIS BROUGHT IN BY PLANE

News Record Makes Trip From
Southampton in 32 Hours

First Crisis Newsreels Reach Here in 31½ Hrs.

Paramount Films, Flown, Show
London, Berlin, Paris Scenes

Part of a golf course in London being transformed into an anti-aircraft artillery base, and sections of Danzig bedecked with Nazi banners and pictures of Adolf Hitler are included in the first newsreel film received by Paramount News since the European crisis became acute. The films were reviewed yesterday in a special showing in the firm's rooms at 544 West Forty-third Street.

The films, more than 2,000 feet covering London, Berlin, Paris and Danzig, left Southampton by Imperial Airways flying boat at 2:30 p. m. Saturday (9:30 a. m., New York time), reached Montreal early yesterday afternoon and were rushed from Newark Airport to the test room at 5 p. m.—an elapsed time in transit of thirty-one and one-half hours.

One of the film sequences, now being shown in English theaters, depicts as much attention to assuring a nation of adequate food supplies as it does to the possibility of war. It shows tables showing slim rations of staples allowed English households during the World War are shown in food storage stacks of

Newsreels Arrive to Show War Tension in Europe

By HETTIE CATTELL.

The first European newsreel to reach here since the war crisis developed arrived at Paramount yesterday, 32½ hours after having left Southampton, Eng., in the British flying boat Cabot. It will be displayed in all theatres beginning at noon today.

The pictures show scenes in Danzig, Berlin, London and Paris, the first two groups meager in the long footage of Poland's depict stirring crowds, gathered on the streets of Berlin, indicating that one of Britain's expected problems in the event of war will be like Germany's: "Will we eat?"

Art Removed

The film shows art treasures being removed to places of safe trenches being dug adjacent to and full of children; sidewalks, trees, and the avoidance of

CRISIS NEWS FILMS HERE IN 32 HOURS

A clean beat on the European crisis was scored by Paramount News, whose films are being distributed today. The cans were put aboard an Imperial Airways flying boat for Montreal, transferred to an American airliner and unloaded in thirty-two hours after shipment. This was the first time



NT NEWS GAIN!

Paramount News scoops the world—flashing the earth-shaking events of the European crisis on the screens of the nation's theatres 48 hours after they have happened.

Hundreds of thousands of people yesterday flocked to the nation's theatres to see the Paramount Newsreel that hours ahead of its competitors had these exciting events:

- | | |
|---|--|
| 1 Emergency defense preparations of Britain, France and Poland. | 5 The hurried mobilization of French reservists. |
| 2 The arrival of Foreign Minister Joachim von Ribbentrop in Berlin after the signing of the Russo-German pact. | 6 The fortification of the suburbs of London. |
| 3 The first pictures of Chancellor Hitler's private plane—a German version of the new Douglas DC-4. | 7 The itinerary of emergency evacuation of children. |
| 4 The epochal emergency session of Parliament. | 8 The Nazis taking over the free city of Danzig. |
| | 9 The hasty leave-takings of Americans from Paris. |
| | 10 The exciting events from the world's great capitals. |

...It is coverage and service like this that make PARAMOUNT the No. 1 NEWSREEL and the EYES AND EARS OF THE WORLD. Play the Paramount News and be days and hours ahead of your competitor.



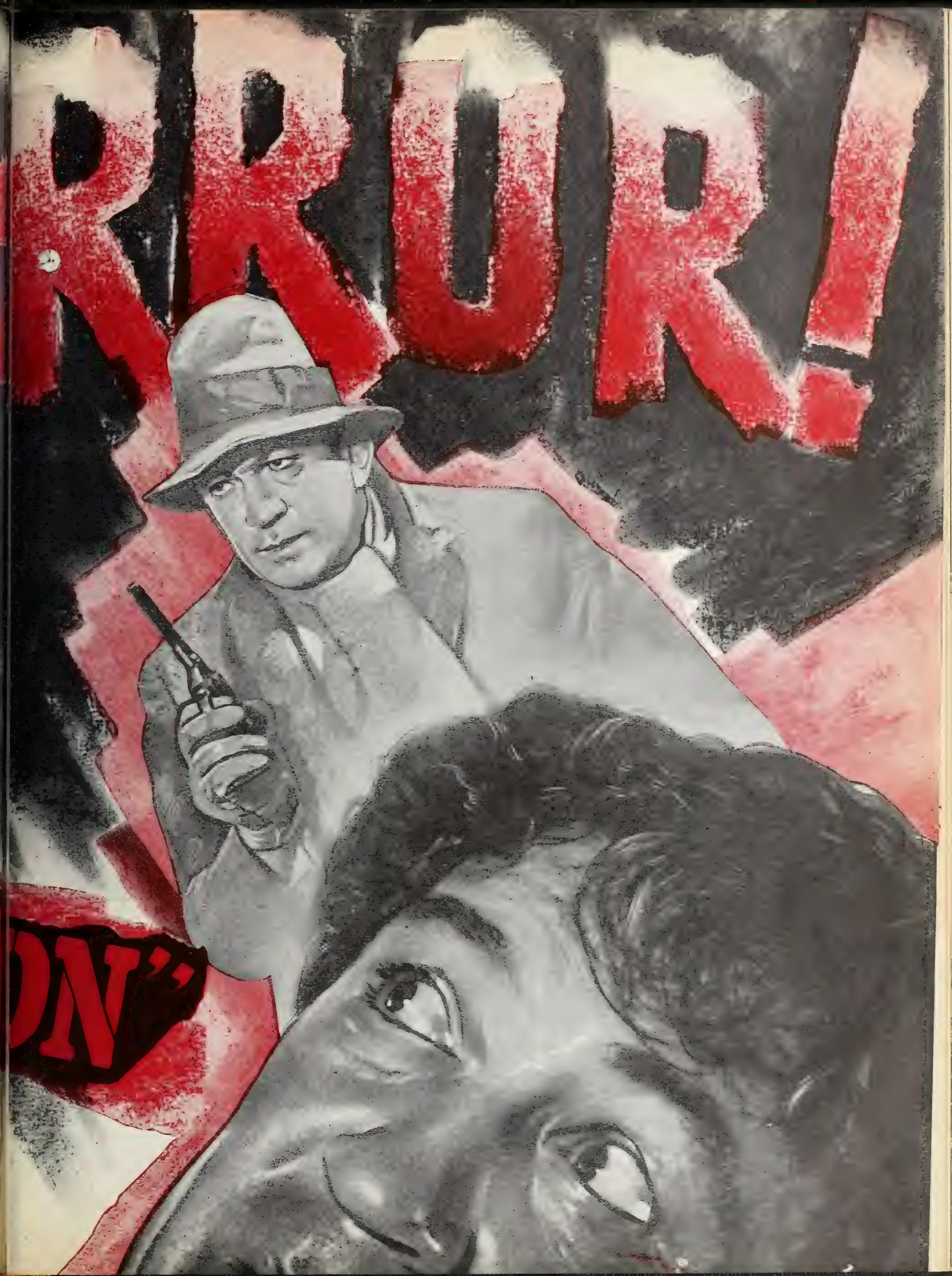
Stalked by terror...gripped by fear...goaded by love!— this killer who was brute enough to commit murder, human enough to seek a woman's arms, but not brave enough to take his rap! . . . **POWER-HOUSE DRAMA** machine-gunned with hot emotional conflict and pulse-pounding suspense! . . . A standout picture for thrill-satisfaction and box-office pull!

"FULL CONFESSIONS"

VICTOR McLAGLEN • SALLY EILERS
JOSEPH CALLEIA • BARRY FITZGERALD

Produced by Robert Sisk • Directed by John Farrow • Screen play by Jerry Cady

R K O
RADIO
PICTURES



«REVIEWS»

"The Women"

(HOLLYWOOD PREVIEW)

with Norma Shearer, Joan Crawford,
Rosalind Russell

M-G-M 132 Mins.

SMART, BRILLIANT PLAY BECOMES
SURE-FIRE SCREEN FARE FINELY PRO-
DUCED AND ACTED.

Clare Boothe's famous play has been transferred to the screen with telling effect. It has lost none of its bite, smart dialogue or shrewd observations on the rivalries of members of the fair sex. It has been expertly directed by George Cukor, who blended the comedy, satire and pathos effectively. To Hunt Stromberg goes considerable credit as producer. Norma Shearer is fine as Mrs. Stephen Haines, whose pride loses her husband to Crystal Allen, a Fifth Avenue sales girl, a role excellently enacted by Joan Crawford. Rosalind Russell is a delight as a gossip, inquisitive wife, who feels she has a stranglehold on her husband, only to lose him to a beautiful, smart showgirl, cleverly portrayed by Paulette Goddard. Phyllis Povah gives a splendid performance as a socialite eager to get the latest gossip. Joan Fontaine has never done better work than as a young wife, who goes to Reno, only to discover that she is madly in love with her husband and that he is eager to have her return. Mary Boland is a riot as a countess, who sheds her fourth husband, only to annex a singing cowboy as her fifth. Lucile Watson is a standout as the wise, old mother of Mrs. Haines, while Virginia Weidler does brilliant work as the daughter, who brings her parents, Mr. and Mrs. Haines, together after they have been divorced and Mr. Haines has married Crystal Allen. Marjorie Main gets much comedy out of her role and Dennie Moore is good as a manicurist, whose gossip starts much trouble. A fashion show, in Technicolor, is eye-filling and will be especially popular with femme fans. Anita Loos and Jane Murfin fashioned an amusing screenplay. Oliver T. Marsh and Joseph Ruttenberg furnished high-class photography.

CAST: Norma Shearer, Joan Crawford, Rosalind Russell, Mary Boland, Paulette Goddard, Phyllis Povah, Joan Fontaine, Virginia Weidler, Lucile Watson, Florence Nash, Muriel Hutchison, Esther Dale, Ann Morris, Ruth Hussey, Dennie Moore, Mary Cecil, Mary Beth Hughes, Virginia Grey, Margaret Main, Cora Witherspoon, Hedda Hopper.

CREDITS: Producer, Hunt Stromberg; Director, George Cukor; Based on the stage play by Clare Boothe; Screenplay, Anita Loos and Jane Murfin; Cameramen, Oliver T. Marsh and Joseph Ruttenberg; Art Director, Cedric Gibbons; Associate, Wade B. Roubottom; Editor, Robert J. Kerns; Musical Score, Edward Ward and David Snell; Recording Director, Douglas Shearer.

DIRECTION, Good. PHOTOGRAPHY, A-1.

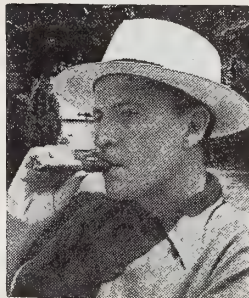
Beery Prexy of Flat Light

Chicago—Wallace Beery, on arriving here yesterday en route to Cleveland, announced his election as president of the Flat Light Screen Co., of Hollywood. Otto Engle has been named secretary of the company.

WHO'S WHO IN HOLLYWOOD

• • • Introducing Interesting Personalities: No. 214 • • •

ALBERT RAY. Born in New Rochelle, N. Y. Attended Townsend Harris Hall and City College of New York. Spent summer vacations as a member of Vitagraph stock company, 14th Street in New York. Appeared with summer stock in Harlem Opera House, New York City, White Plains, N. Y., and Florida. Directed short subjects for Pathe in the East. Came to Hollywood in 1915 and directed Ben Turpin for Vogue Film Company. Directed Sunshine Comedies for Fox. Played opposite Ruth Clifford and Mildred Harris at Universal. Co-starred with Eleanore Fair at Fox. First directorial feature was "Scrap Iron" starring Charlie Ray for First National. Directed nine features starring Ray. Returned to Fox and directed "Helen and Warren" series. Made 19 features for Fox. Directed Slim Summerville at Universal. Directed for Warners and Paramount in the East. Directed "Molly and Me" co-starring Joe E. Brown and Belle Bennett, and "My Lady's Past." Directed at RKO, Columbia and 20th Century-Fox. Produced two features for Universal.



Newspaper Critics Launch Own National Organization

(Continued from Page 1)

nearly 100 critics who had attended the world premiere of Universal's "The Under-Pup."

Purpose of the organization, according to a prepared announcement, is to "elevate standards of criticism and comment on movies, co-operate toward the advancement of the film department as an important factor in the American press, co-operate in every way for the betterment of the film industry."

Harry Martin of the Memphis Commercial Appeal, was named temporary chairman and Buck Herzog of the Milwaukee Sentinel temporary secretary-treasurer. Keith Wilson of the Omaha World Herald and Merle Potter of the Minneapolis Tribune were elected to serve with Martin and Herzog as the planning committee.

A national convention will be held, probably in February of each year, when the editors and critics will distribute their own awards for the best acting performances, best pictures, etc.

Mono. Sets Circuit Deals

Additional circuit deals for Monogram product are announced by George W. Weeks, general sales manager. Among the national chains which have closed commitments for the 1939-40 line-up are: The Interstate and Texas Consolidated Theaters, Atlanta; Cumberland Amusements, Tenn.; the Forkey Circuit, Mass.; John Keogh, Los Angeles; Baehr Bros., Minneapolis; and the Hall Industries, Inc., Dallas.

Ingram to Castle

Irvington, N. J.—Marty Ingram, formerly of the Ritz, Newark, has been made manager of the Castle. He starts his new assignment for Warner Bros. this week.

New Newsreel Chain Opens First Unit in S. F. Sept. 2

(Continued from Page 1)

to the building at 928 Market St. Local and world events, edited from the five international newsreel companies, M-G-M, 20th Century-Fox, RKO-Pathe, Universal and Paramount, will be featured in nine daily shows of a little over an hour in length. Arrangements have been made to fly latest newsreels here by plane.

The Telenews is small (400 seating capacity), but luxurious with streamlined orchestra chairs; a downstairs recreation and lounge room equipped with music, newspapers and easy chairs.

Ellis Levy is the manager, and Albert S. Roller architect of the new theater.

The Telenews is the first unit in a chain, capitalized in the millions, planned to expand all over the west. Herbert Scheffel is president of the company; Edward Reeves, vice-president; Alfred Burger, secretary; and Paul Warburg, W. French Githens, and Angier Biddle Duke, are directors.

Oklahoma Allied to Launch First Conclave Sept. 26-27

(Continued from Page 1)

tel in Oklahoma City named as convention headquarters.

The buying pool plan which received much discussion here a few months ago will be brought before the convention, Orville Von Gulker chairman of the organizing committee of Allied has announced. A constitution for the organization will be presented and adopted, Von Gulker also stated.

A number of national speakers are being sought to address the convention on legislation, monopolistic practices and similar subjects, Von Gulker also stated following a meeting here of the organization committee which drafted preliminary plans for the meet.

NEBRASKA'S FALL BIZ DEPENDS ON ITS CROPS

(Continued from Page 1)

good generally. And the film prospect, along with everything else and twice as sensitively, depends on a happy agricultural situation here.

Nebraska's major keys have seen transfusion into their ebbing business bloodstream via the rip-roaring historicals, the family pictures, and the better comedies during 1939. The small priced, and low budget action pictures, be they westerns or otherwise, have seen a tough year, probably because their clientele has been hardest hit financially. In this bracket, Gene Autry is the sole exception.

In the past, Nebraska's legal battery in the attorney general's office has popped Bank Night, Bingo, Job Night, and made widely interpreted rulings on the state's stringent lottery law. Giveaways of all kinds, and for any reason, are frowned upon. The state seems determined, whether the film business has faith in its ability to do so or not, to make it stand on its own feet. Currently, a new stunt is being tried, called "Check Night," but it's being watched and may be in the news soon.

Legislatively, 1939 was a good year. All bills aimed in detrimental vein at the industry were pocketed, but one which would have helped, the one making it illegal for operation of free shows as a merchant come-on in small towns, was killed, which was a blow to the small showman.

In Nebraska, this has been a great year for the family films of the better type, especially the series kind. Mickey Rooney came around just often enough for the exhib. to lift off the ledgered red, and use black ink for a change. Had it not been that this area was four times in a year the target of junketed premieres—"Boys' Town," Omaha; "Dodge City," Dodge City, Kan.; "Union Pacific," Omaha; and "Career," Des Moines, Ia.—it might have been worse. Nebraska has been made keenly aware of the movie business again.

Robinson Bros. to Reopen Madison Theater, Detroit

Detroit—Arthur Robinson, of the Robinson Brothers Circuit, will reopen the Madison Theater, downtown house, on September 15, after remodeling, including reseating, and installation of new booth equipment. House has been closed a year. It was formerly a first-run, and headquarters of United Detroit Theaters until a year ago.

Balcony will not be used, reducing seating to 1,000. Policy for the house has not been determined, but it will be booked independently of any existing combine, Robinson said.

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 42

NEW YORK, WEDNESDAY, AUGUST 30, 1939

TEN CENTS

NLRB Orders Coast Studio Jurisdiction Vote by Sept. 21 WAR APPEARS CERTAIN AMONG INDUSTRY UNIONS Warner Circuit Sales at 78 P. C. of Possibilities

Deals Closed Up 15 Per Cent Over the Same Time Last Year

Warner Bros. has closed product deals for the 1939-40 season totaling 78 per cent of circuit possibilities, an increase of 15 per cent over the same time last year, despite the fact that the company has completely revised its contract terms with the coming season's product calling for higher film rentals than ever before, Gradwell L. Sears, general manager of distribution, announced yesterday.

Sears expects the company to

(Continued on Page 6)

MONOGRAM WILL SHOW SIX-MONTHS PROFIT

Monogram will show a profit of approximately \$45,000 for the first six months of this year in the financial statement which will be released the latter part of this week, it was reported yesterday. This will be the first profit that the two-year old company has shown.

W. Ray Johnston, prexy, and

(Continued on Page 6)

Delaware Senate Approves Plan to Study "Blue" Laws

Wilmington—The State Senate in Dover has approved the concurrent resolution, previously adopted by the House, providing for appointment of a nine-member commission to study the need for revising Delaware's 144 year old Sunday "Blue" laws.

Each house will name four mem-

(Continued on Page 6)

World's Fair to Schedule "Movie Week" on Program

Plans to hold a Movie Week which will pay tribute to the film industry and its players are being discussed by World's Fair executives, it was reported last night. Negotiations

(Continued on Page 6)

Film Stocks Up Despite Crisis

While Europe yesterday was admittedly "up in the air," as was the plane carrying Sir Neville Henderson, British Ambassador, to London with the Nazi reply, motion picture stock on Wall Street's big board paradoxically did some soaring of their own. At closing, fractional gains were recorded in all film issues from the previous day's final quotes, the one exception being Eastman Kodak's preferred. However the company's common was up a point and a half. Bond market, as far as pix securities were concerned, was relatively quiet, as were Curb and Over-the-Counter transactions.

KING WANTS FURTHER PATENT LAW STUDIES

Washington Bureau of THE FILM DAILY
Washington—Opposition to revision of the patent laws as suggested by the TNEC has been voiced by Senator William H. King (D-Utah) who declared in a statement that the patent situation had not yet been studied fully enough by the committee.

While he is not opposed to all the recommendations, King declared,

(Continued on Page 7)

Hearing on Mpls. Program Length Regulation Heated

Minneapolis — Charges that the sole purpose of a proposed ordinance to limit movie programs in Minneapolis to two hours and 15 minutes is an attempt to regulate the industry, was hurled by opponents of the ordinance at a heated public hearing held yesterday at the City Hall under

(Continued on Page 7)

COL., EXHIBS. HUDDLE ON PRODUCT POLICIES

Moving to bring about closer relations between Columbia and the exhibitors it sells, the company announced yesterday that starting tomorrow it will inaugurate a series of conferences between executives of the company and exhibitors in order to guide the future

(Continued on Page 7)

Paramount Lays Plans for Speedy War News Coverage

With a European crisis special in distribution, Paramount News yesterday laid plans to ship its films from Europe with all expediency, even to the extent of chartering its own plane if it was deemed necessary, it was learned last night.

Paramount reel now in the theaters was shipped via Clipper and it

(Continued on Page 7)

Major Coast Studio Employees to Vote on IATSE or Guild in Secret Ballot

Eight New Kentucky Houses Opened; Three Being Built

Louisville—Within the last few weeks, eight new theaters have opened in Kentucky and construction work has been started on three others, two of them here.

New openings have included the Kentucky at Latonia, the Gray at

(Continued on Page 7)

Washington Bureau of THE FILM DAILY
Washington—The National Labor Relations Board yesterday stepped into the Hollywood labor tangle when it order a secret ballot election, on or before September 21, among employees of major studios, to determine whether they desire to be represented by the IATSE or the United Studio Technicians Guild,

(Continued on Page 6)

IATSE Prexy Browne Flatly Rejects Three-Point Pro- posal of 4A's

With the AAAA three-point peace proposal flatly rejected yesterday by IATSE president George E. Browne at a three-hour huddle between representatives of the two organizations, the jurisdictional dispute between the two unions flared into an open warfare last night that may embroil the entire film industry in the middle of a paralyzing strike situation.

The AAAA had previously threatened a general strike of its actors, and there is no indication that it does not intend to follow through with this plan if necessary, as ratified

(Continued on Page 7)

DEADLINE ON MOMAND ANSWERS THIS WEEK

Oklahoma City—Deadline for filing by defendants in the A. B. Momand anti-trust suits asking \$4,500,000 damages will arrive this week with defendants' answers to Momand's petitions due to be filed, following which filing the issues are to be joined and trial of the case

(Continued on Page 7)

Westway Trust Defendants Given More Time to Answer

Baltimore — Counsel for the defendants in the Westway versus Edgewood and seven major producing companies asked for a motion of extension of time and this was consented to by Judge W. Calvin Ches-

(Continued on Page 7)

Expect RKO Hearing to be Postponed if Bondy Absent

Sources close to the impending RKO hearing, set for Sept. 20, asserted yesterday that, should Federal Judge William Bondy still be absent from New York on that date,

(Continued on Page 7)

THE NEWSPAPER OF FILM DOM **Film** DAILY ALL THE NEWS ALL THE TIME

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/4	11 1/4	11 1/4	+ 1/4
Col. Picts. vtc. (2 1/2%)				
Columbia Picts. pfd.				
Con. Fm. Ind.	9 3/4	9 3/4	9 3/4	+ 1/4
Con. Fm. Ind. pfd.	9 3/4	9 3/4	9 3/4	+ 1/4
East. Kodak	165	163 1/2	165	+ 1 1/2
do pfd.	171	171	171	- 3
Gen. Th. Eq.	10 1/8	10	10 1/8	+ 1/8
Loew's, Inc.	41	40 1/2	41	+ 1/2
do pfd.				
Paramount	8 1/2	8 1/8	8 1/2	+ 1/2
Paramount 1st pfd.	9 1/2	9 1/2	9 1/2	+ 1/4
Paramount 2nd pfd.	9 1/2	9 1/2	9 1/2	+ 1/4
RKO	10 1/4	9 3/4	10 1/8	+ 1/2
20th Century-Fox	17 5/8	17 1/4	17 1/2	+ 1/8
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	4 3/8	4 1/4	4 3/8	+ 1/8
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46				
Loew's deb. 3 1/2s46				
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	88	88	88	- 1 3/4
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. dbs. 6s48				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.				
Technicolor	13 3/8	13 1/2	13 3/8	+ 3/8
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100 1/2	
Fox Thea. Office Bldg. 1st '46	3 3/8	4 3/4
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	65	69
Roxy Thea. Bldg. 4s 1st '57	63	65

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

Einfeld Returning to Coast
After Eastern Conferences

Following a visit of some two weeks to the home office for the purpose of setting campaigns for a number of Warners' new season features, Charles Einfeld, company's director of advertising and publicity, left last night aboard the 20th Century Limited for Burbank.

During his New York stay, Einfeld conferred with Gradwell L. Sears, Carl Leserman and Mort Blumenstock on merchandising "On Your Toes," "Dust Be My Destiny," "A Child Is Born," "The Private Lives of Elizabeth and Essex," "The Roaring Twenties" and "We Are Not Alone."

Einfeld expects to be back in New York in about six weeks to co-ordinate campaigns for other company attractions whose release dates follow the group of pictures already having received planned promotion.

Chicago Warner Club Names
New Board and Officers

Chicago—Board of Governors of the Warner Club of Chicago, now includes James E. Coston, Charley Ryan, Alex Halperin, Larry Stein, Tom Gilliam, Henry Herbel, H. W. Wheeler, H. A. Turrell, and I. H. Barron. Steve Fitzgerald was named entertainment chairman; I. H. Barron and Tom Gilliam welfare directors; James Summers and Deborah Finnan, will have charge of the membership drive, and Jimmy Coston will take care of the loan department, while Alice Nortman will continue as treasurer. Al Blasko will have charge of publicity and Florence Latch will continue as clubroom hostess. Charley Ryan was elected president.

Producers Pictures Planning
Studio at Prescott, Ariz.

West Coast Bureau of THE FILM DAILY

Hollywood — Producers Pictures has purchased a site adjacent to Prescott, Ariz., where studio sound stages, western street and permanent sets are being erected for filming of outdoor action pictures. Location is considered ideal for the production of westerns. In addition to facilities for shooting, an administration building and suitable living quarters for production personnel, executives, actors and technicians are being built under supervision of Robert Sternbach, from plans by Art Director Fred Preble.

Dinner in Honor of Star,
Producer of "Nurse Cavell"

RKO Radio will give an informal dinner for the press at the Empire Room of the Waldorf-Astoria at 7:45 tomorrow evening in honor of Herbert Wilcox and Anna Neagle, producer and star of "Nurse Edith Cavell," following a private preview of the picture at the Lexington Ave. Trans-Lux Theater at 5:45.

Picture is the first one produced in America by Wilcox under his RKO releasing arrangement.

ITOA Continues Squawk;
Threatens to "Name Names"

Sounding a warning that the ITOA is going to press its campaign to keep film stars off the air with every means at its disposal, the association is issuing a new blast today via the trade paper ad. route that unless the companies which have not forbidden their players to appear on radio do so they will face reprisals by the ITOA.

The statement asserts that theater business is "terrible," due, to a great degree, to the fact that many stars now appearing in pictures have killed their value by convincing the public through the radio that they do not have the glamour the screen has built up for them. It further states that names are not being mentioned at this time, but that unless the warning is heeded these people will be blasted in the near future, and the ITOA will produce figures to prove its contentions.

"U" Quotas Being Attained
in Exhib.-Sponsored Drive

With the first month of exhibitor-sponsored drive for New Universal nearing completion last night, reports at the home office indicated that quota marks allocated to exchanges throughout the country are on the verge of being attained in a number of situations.

Company has received particular impetus from the fine reception of "When Tomorrow Comes" and the impression made on exhibitors by unanimously enthusiastic reviews on their release, "The Under-Pup."

Philly Allied Leaves Buying
Up to Individual Members

Philadelphia—Meeting of Eastern Pennsylvania Allied unit here yesterday was a three-hour session with practically all of it a discussion of such trade problems as high film rentals, interchange of allocations, clearance, buying, etc.

Handling of 1939-1940 buying was left up to individual members, but some exhibs. intend to close their theaters rather than pay the new season prices.

Buffalo to Bar Children
in Fight on Polio Spread

Buffalo—Infantile Paralysis situation here, worst in five years, yesterday caused the Board of Health to request all theater managers to prohibit admission of children 14 years or under. Managers indicated they would comply with request.

2d Week for "Fifth Ave. Girl"

"Fifth Avenue Girl," having outgrossed in four days all RKO Radio productions to play the Music Hall this season, will be held over for a second week, giving it playing time over the Labor Day week-end.

Yesterday's business at the Music Hall was the best any RKO picture has rung up in three years for a weekday, with \$16,000 taken in at the box office.

COMING AND GOING

HERBERT J. YATES, MRS. YATES, RICHARD YATES, and MR. and MRS. GENE AUTRY sail from England tomorrow on the Manhattan for New York.

WALTER J. HUTCHINSON arrives today from the Coast.

S. CHARLES EINFELD left for the Coast last night after a brief stay here.

HAROLD SCHUSTER, director, is en route to England on the Mauretania.

W. RAY JOHNSTON, SCOTT DUNLAP and TREM CARR leave for Hollywood tonight.

SOL LESSER and his wife are at the Sherry Netherland.

EARL CARROLL has returned to Hollywood.

CONSTANCE BENNETT is at the Waldorf.

JACK L. WARNER has cancelled his European trip and is remaining on the Coast.

BERT LAHR and RAY BOLGER have arrived from Hollywood.

DANIEL T. O'SHAY, Selznick International secretary, arrives here today from the Coast.

H. M. WARNER, DAVID ROSE and DAN CARROLL are scheduled to sail from England today in the Queen Mary.

ROY BENJAMIN, architect for the Sparks circuit in Florida, EUGENE J. GILBERT, architect for the Saenger circuit in Louisiana, DONALD P. COLE, Massachusetts exhib., and M. A. LIGHTMAN, Paramount partner in Tennessee, were visitors during the past few days at the Paramount World's Fair Lounge.

EDWARD G. ROBINSON is due here tomorrow from Europe on the Washington.

JOAN PERRY is vacationing in New York.

F. J. A. MCCARTHY, Eastern sales manager for Universal, left for Boston last night for a short stay, returning here the end of the week.

SAM MARX, Columbia story editor, has returned to New York after a tour of the Summer stock companies.

LEO ABRAMS, Universal short subjects manager, left last night on a trip to Albany, Buffalo and Syracuse.

LUIS ENRIQUE PEREZ, Republic distributor in Venezuela, arrives here tomorrow from Caracas.

World Releasing "The City"

"The City," documentary film dramatizing the need for urban planning which has been showing at the World's Fair, has been acquired by World Pictures for world wide distribution, it was announced yesterday.

Lofink Leaving Fabian

Albany—George Lofink, purchasing agent and contact man for the Fabian Circuit with headquarters in The Palace here, has resigned and will become affiliated with an indie chain in New York Sept. 1.



Best wishes from THE FILM DAILY to the following on their birthdays:

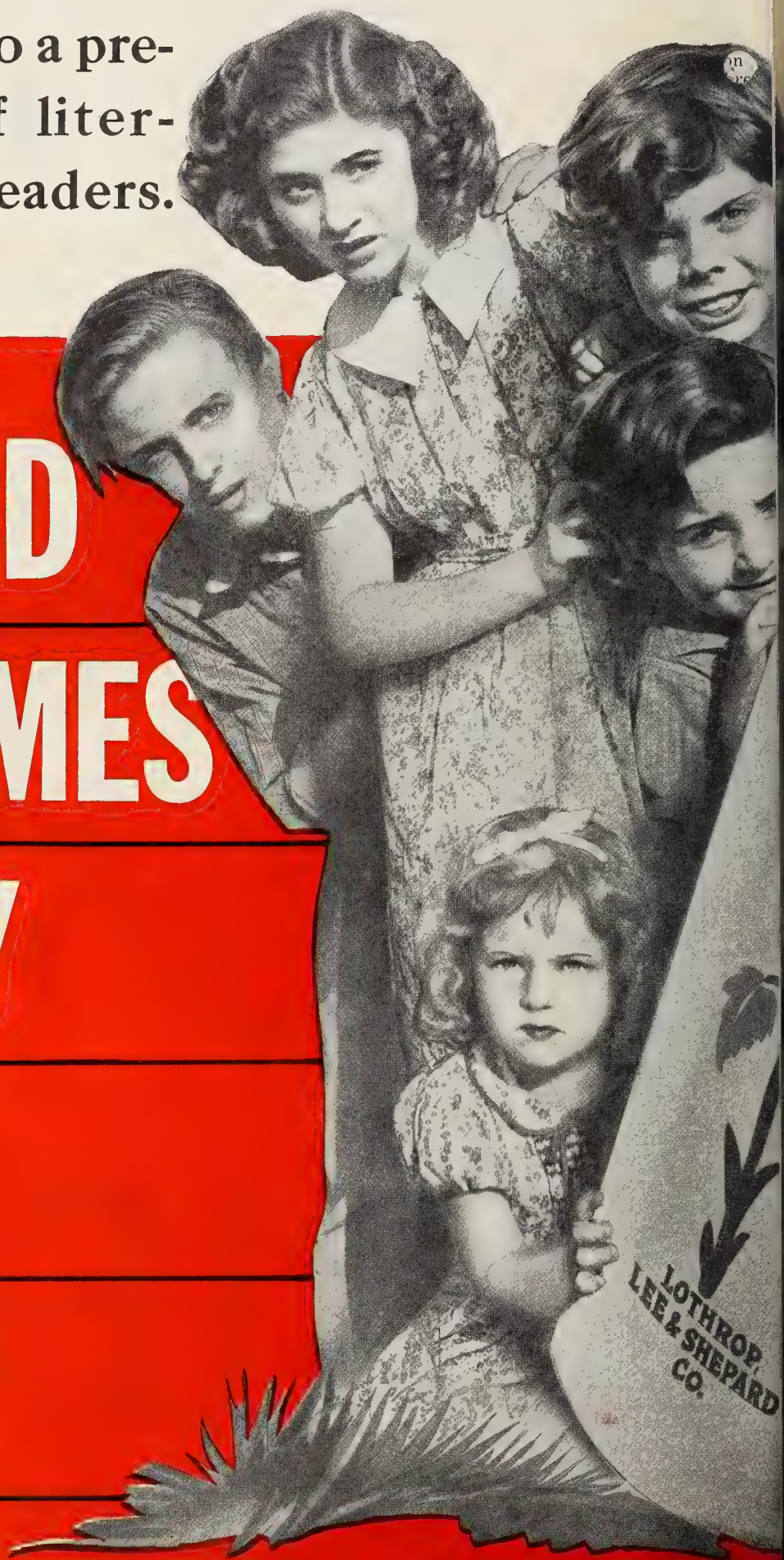
AUGUST 30
Joan Blondell



OZIFIED!

For generations we have laughed and wept over the warmly human pages of Margaret Sidney's celebrated novel. As a motion picture it will appeal to a pre-sold audience of literally millions of readers.

**A BELOVED
BOOK COMES
JOYOUSLY
TO THE
SCREEN!**



FIVE
LITTLE
PEPPERS
AND HOW
THEY GREW

MARGARET
SIDNEY

FIVE LITTLE PEPPERS

AND HOW THEY GREW

EDITH FELLOWS



Clarence Kelly • Dorothy Peterson • Ronald Sinclair
and the Little Peppers • Screen play by Nathalia Bank
nall and Jefferson Parker • Based upon the book
by Margaret Sidney • Directed by Charles
Barton • A COLUMBIA PICTURE

WB CIRCUIT SALES UP 15% TO 78%

(Continued from Page 1)

hit an all time high on contracts this year, as he believes the company has the finest product lineup in its history. He also points to the fact that the company started its selling season this year earlier than ever before, in addition to the strength of the product, as being responsible for the increase in the number of contracts closed. At this time last year the company had closed 63 per cent of its circuit possibilities.

Maximum of sales possibilities is expected to be attained by the company on exhibition accounts in the near future as a large number of deals are in the home office now for approval, it was stated.

Circuit deals closed include the following: Mullins & Pinanski Circuit; Comerford Theaters Inc.; RKO Theaters in New York and out of town; Schine Theaters; Shea-Public Theaters in Buffalo; Famous Players Canadian Corp.; Maine and New Hampshire Circuit; Loew's Theaters, New York City; Wilmer & Vincent Circuit; Gibraltar Enterprises, Inc., in Colorado; Interstate Theater Circuit, Texas; Balaban & Katz Theaters, Chicago; Fox-West Coast Theaters, Red Wood Theaters, Inc., California.

Also, Consolidated Amusement Co., Honolulu; Warner Bros. Theaters, Inc.; Frisina Amusement Co.; Thalheimer Theaters, Richmond, Va.; Manos Theaters, Western Penn.; Robb & Rowley, Texas; Blumenfeld Circuit, California; Sterling Chain Theaters, Seattle, Wash.; Fourth Ave. Amusement Co., Louisville, Ky.; and the Libson Theaters, Cincinnati and Louisville.

Delaware Senate Approves Plan to Study "Blue" Laws

(Continued from Page 1)

bers. The Senate chose the Rev. Ralph L. Minker as the ninth member. The House ratified this selection, as provided in the resolution.

The Senate defeated a judiciary committee amendment for the nine member commission to report to the "next session of the General Assembly" instead of to the "session of the next General Assembly" (in 1941), as provided in the original resolution. Attorneys said this meant that if the legislature should recess for 90 days, the report would be returned at the end of that time.

Monogram to Show Profit of \$45,000 for Half Year

(Continued from Page 1)

Scott R. Dunlap, production chief, left for the Coast tonight following a board meeting and executive conferences in New York which Dunlap came on from Hollywood to attend.

ALONG THE



WITH PHIL M. DALY

● ● ● IN addition to an unusually fine exploitation section crowded with merchandising tie-ups.....the campaign book on Metro's "The Women" springs a novelty.....a separate section labeled Special Supplement for The Women.....made standard newspaper size.....an eight-page surprise for the ladies that newspapers in key spots are grabbing.....for it is loaded down with scenes from the M-G-M first big-gun of the new season, and special articles on fashion foibles, decoration of the home, furniture modes, and other catchy items that will intrigue the average woman.....of course the trick that appeals to the newspaper publisher and editor is the set-up for selling the local advertising accounts.....a nifty array of ad layouts all ready for the local advertiser just to insert his name.....the copy covers such a variety of stores as pet shops, employment agencies, department stores, sporting goods, fashion shops, beauty parlors, luggage shops, camera supplies.....and every ad is dressed with alluring and appropriate stills from the picture.....here is a splendid example of the modern trend in picture-selling.....making it so appealing and profitable to the newspaper editor that he can't very well resist.....

● ● ● LOOK at the luscious lineup of exploitation campaigns mapped by Paramount's ad chief Robert Gillham.....for forthcoming pix....."Honeymoon in Bali" is penciled in for a world premiere in Wheeling, W. Va., home town of four-year-old Carolyn Lee, daughter of a steel mill worker, on Sept. 12 when the Wheeling steel workers have their annual jamboree....."Jamaica Inn" will have a world premiere in Houston, Tex., on Sept. 15....."What A Life" will be given pre-release screenings in key cities throughout the country where the stage play was a hit, on or about Oct. 1.....for "Disputed Passage" the author of this best-seller, Lloyd C. Douglas, will make a cross-country tour and the campaign will be tied in with his bookings.....

● ● ● CROSS-SECTION of public opinion secured on a motion picture in advance of release was one of the novel ideas employed by Russell Birdwell and Associates.....in their special six-weeks campaign on "Nurse Edith Cavell".....they had a jury assembled from various walks of life.....doctors, lawyers, ministers, housewives, etc. sit in on a screening and fill out charts to indicate just what angle of the picture hit them the hardest.....in this way a very definite advertising campaign with concise and proven angles was put into execution.....then there were special dedications to Nurse Edith Cavell at Jasper National Park, a Nurse Edith Cavell Day at the World's Fair and various syndicated columnists were induced to play up the unusual story of the picture in an effort to reach those who do not ordinarily attend movies.....

● ● ● SUCCESS, success.....the returns are piling in on that "Under-Pup" party at Scranton, Pa.....Universal's home office is in a dither of delight.....wire service stories are breaking all over the nation.....tear sheets from key cities carrying the correspondents' dispatches of the premiere call for a special room to hold 'em.....Gloria Jean is on the Movie Map in a Big Way.....the press was more than generous, all the Universal execs. agree.....the eight-day junket and campaign for the visiting newspapermen from the key cities, and the premiere were superbly handled by Louis Pollock, eastern ad chief for Universal, and his staff.....Sid Davidson, Hank Linet, Herbert Lewis, Carl Rigrod and James Macfarland.....

COAST STUDIO VOTE ORDERED BY SEPT. 21

(Continued from Page 1)

or by neither, with all employees voting as a single unit.

Action follows a bitterly waged court fight on the Coast between the IATSE and the USTG, an union in a petition claiming its right as a bargaining agent by virtue of its membership. Substantiation of the numerical membership claims of the USTG has never been had. Jurisdiction of the IATSE has been recognized for years in all studios with IA sole bargaining agent for its members.

Action of the NLRB follows a hearing which was held on August 21 at Los Angeles before a trial examiner of the Board. The following day all parties entered into an agreement, subject to the approval of the Board, providing for election by secret ballot among employees who have been employed 60 working days from January 1, 1939, to July 15, 1939, and who are within stipulated categories of employment.

The following studios are involved in the vote: Columbia, Metro-Goldwyn-Mayer, Paramount, RKO, Walter Wanger, 20th Century-Fox, Universal, Warner Brothers, United Artists, including Samuel Goldwyn, and Hal Roach.

M&P, IATSE Representatives Meet on Boston Ushers Strike

Boston—M & P Theaters Corp. and the IATSE met yesterday in an effort to settle the present ushers' strike which began 20 days ago at the Metropolitan, in the heart of the local theater district, and spread to 10 other Boston and suburban circuit houses, all affiliated with Paramount. Union ushers have ceased picketing and have returned to work on the understanding that no discrimination will be made against them.

Richard Walsh is in town for the IATSE and is sitting in on the conference. It is understood that there will be no closed shop at the M & P houses as is the case at the local RKO and Loew theaters where the Local B 4 was earlier recognized. The union is expected to settle for working hour adjustments and small salary increases.

World's Fair to Schedule "Movie Week" on Program

(Continued from Page 1)

were conducted prior to the Fair's opening for a participation by the industry, but they fell through. Personal appearances of stars and special screenings would be part of the Movie Week celebration if plans go through, it was said.

"Sherlock Holmes" at Roxy

"The Adventures of Sherlock Holmes," with Basil Rathbone, and Nigel Bruce opens Friday at the Roxy.

ACTORS-STAGEHANDS UNION WAR THREATENS

(Continued from Page 1)

cation of the action has already been made by the membership.

Showdown will probably come on Labor Day when Vinton Freedley plans to reopen his show, in which Sophie Tucker was appearing. Suspended by Equity, she is automatically barred from the stage and the stagehands have threatened to strike the show in retaliation. Equity has demanded that if its some 70 members in the show are thrown out of work by a stagehands' strike that the SAG call a strike of actors on the Coast to retaliate against the stagehands, with both organizations certain to gather momentum in their reprisals if they reach this stage, it was believed last night.

4A's Three Rejected Points

Proposal of the AAAA rejected by Browne embraced the following points: 1. That the IATSE withdraw from interfering in actors affairs. 2. That the variety field be administered by a non-partisan committee of 10 for 90 days. 3. That a fair election by the performers in the variety field be held to settle in all respects its final destiny. In addition to this the 4A's was equally adamant that Ralph Whitehead, executive secretary of the AFA, be barred from the acting field.

To all these points Browne gave flat rejections and refused to desert either Whitehead or the AFA, which was chartered by the IATSE after the AAAA revoked its charter.

In a statement from the AAAA last night it was asserted that it would never submit to jurisdiction by the IATSE, and that it had accepted the clear cut issue which confronted it. It was also stated that Browne had made clear his intention of gaining jurisdiction over the acting field at the meeting, and that the International Board of the 4A's and the entire membership were unanimously united in their determination to fight this threat to a finish.

Possibility of a desertion of the A F of L by the AAAA loomed also last night, although it was not expected it would make this move, if it does, until it presents its case before the A F of L convention this fall. Rumors that it might join the CIO have also been prevalent since the dispute started, but executives of the AAAA organization hotly deny this, stating that they would rather function as an autonomous and independent union without affiliation than join the CIO.

It's Mediation or War

Following yesterday's meeting there seemed to be no further possible chance of settling the row unless it can be mediated by some third party, and both organizations indicated that they were preparing to fight, but no information could be had as to what the initial action of either side would be.

Ralph Morgan, Ken Thomson and Laurence Beilenson, who came here following preliminary negotiations

Mayer Heads Charity Ball Game

San Francisco—Louis B. Mayer, head of M-G-M, has accepted honorary chairmanship of annual charity baseball game of Hollywood stars to be played here Sept. 17 in Seals Stadium.

Mayer said the event will bring a major part of Hollywood film colony to San Francisco. Before the game a pageant will present a spectacular array of Hollywood beauties, actors, bands and floats.

It is the first time this annual game has been played outside Los Angeles, and will be for benefit of Christmas funds of San Francisco newspapers.

Hearing on Mpls. Program Length Regulation Heated

(Continued from Page 1)

the auspices of the Minneapolis ordinance and legislative committee.

L. B. Schwartz, attorney for Northwest Allied, speaking in favor of the ordinance, cited facts to prove his contention that movie programs running longer than two hours and 15 minutes are detrimental to health.

John F. Bonner, assistant city attorney, handed down his opinion, giving his reasons for considering the proposed ordinance invalid.

Theodore Hayes and Lester Ludwig, representing the Minnesota Amusement Co., opposed the proposed ordinance on the grounds that it is an attempt to regulate the industry.

A. W. Steffes, president of the Northwest Allied, declared that every independent is unanimously in favor of the proposed ordinance. He predicted that unless it is adopted the city within a very short time would be flooded with double and even triple bills. Further action was referred to the city ordinance and legislative committee.

Columbia and Exhibitors Huddle on Product Policies

(Continued from Page 1)

production policy of the company through determining exhibitor needs.

First huddle will be held tomorrow morning at 11 o'clock with Prexy Harry Cohn, Jack Cohn and Abe Montague, general sales manager, representing the company. Among the exhibs. who will attend are Si Fabian, Dave Chatkin, Charles Heyman and Izzy Rappaport.

So. Calif. Commercial Preview Decision Sept. 8

West Coast Bureau of THE FILM DAILY
Hollywood — President Alfred A. Galston of the Independent Theater Owners' Ass'n of Southern California and Arizona, announced yesterday that William F. Rodgers, chairman of Fair Trade Practice Code Committee, expects to have final decision of the committee on commercial previews and move over situation in this territory ready for submission to the association on Sept. 8.

on the Coast, prepared to leave New York tonight for Hollywood, apparently convinced that they can do nothing more to settle the row.

Thomson and Paul Dulzell, of Actors' Equity, represented the AAAA at yesterday's meeting, with Browne and another IA representative present for the stagehands. No executive of the IA or AFA could be reached last night for any comment.

Senator King Wants Further Studies of Patent Law Issue

(Continued from Page 1)

"Not only is it premature, but it seems improper for the committee to recommend substantive changes in the patent law, as suggested by the Department of Justice, when the subject matter of the recommendations has not been fully studied by the committee."

Recommendation which drew King's heaviest fire was the committee's suggestion that restrictive licenses should be outlawed. The Utah Senator quoted the Supreme Court decision of last term on General Talking Pictures vs. Western Electric upholding restrictive licenses involving use of amplifier tubes in theaters when outlawed in license granted to GTPC.

"Under the decision the patentee can divide up his patent right, permitting the use of the device in some fields and prohibiting it in other fields," King declared. Pointing out that the high court disregarded the plea of the Justice Department in that case to rule such practice illegal, King said the effect of the committee recommendation would be to adopt the Justice Department view "and declare these restrictive licenses are not reasonably within the reward which the patentee is entitled to secure."

Paramount Lays Plans for Speedy War News Coverage

(Continued from Page 1)

outstripped all regular methods of delivery by a considerable length of time. Entire staff worked all day and night Sunday preparing it.

A. J. Richard, Paramount News editor, yesterday stressed the importance of maintaining European news delivery schedules to this country as what happens in Europe has a direct bearing on the rest of the world. He said that the newsreel's European staff was geared for any emergency and was capable of covering all strategic scenes of action.

Eight New Kentucky Houses Opened; Three Being Built

(Continued from Page 1)

Grayson, the Swan at Brownsville, the Grand at Owensboro, the Lyric at Beattyville, the Viv at Corbin, the Hi-Land in Louisville and the Alice at Sebree.

Settos of Indianapolis is erecting a new house at St. Matthews, Ky., suburban Louisville; the Williston interests are building a new Negro theater here, and the Chickasaw Amusement Co. of Covington, Tenn., is building a new house at Benton, Ky.

DEADLINE ON MOMAND ANSWERS THIS WEEK

(Continued from Page 1)

started in Federal District Court here.

It is understood that the trial may be started late in September if Judge A. P. Murrah's docket can be cleared to permit this procedure.

Momand is seeking damages for alleged monopolistic practices against him by the Griffith Amusement Company and affiliated organizations as well as major producers and distributors.

D of J Oklahoma Brief May Be Filed This Week

Oklahoma City—Though not due until Sept. 5, it is understood that the Dept. of Justice memorandum brief in its anti-trust dissolution suit against the Griffith companies, may be filed in U. S. District court here this week.

Briefs of defendants in substantiation of their motion asking that the government be forced to give more details, and a bill of particulars have already been filed. Following filing of the Government briefs, defense attorneys will then have another five days in which to file their answers.

It is understood then that Judge Edgar S. Vaught, in whose court the trial is to be conducted, will then rule on the motions and order a pre-trial conference in order to get the actual trial itself under way during October.

Expect RKO Hearing to be Postponed if Bondy Absent

(Continued from Page 1)

proceedings will probably be adjourned to a later date.

Another development yesterday averted the proposed issuance of the new RKO Corp. common stock was reported to be that the SEC does not intend to concern itself directly with the matter of price, but specifically with the economic background attending the issuance, although this could not be confirmed.

Because of the continued international crisis, without much diminution of the threats of war, Wall Street channels were reluctant to give its views as to the effect hostilities, or the threat of them, would have on the underwriting of the new issue.

Westway Trust Defendants Given More Time to Answer

(Continued from Page 1)

nut in the Federal District Court here.

An order was given by the court extending the time to September 13 for filing answers to complaints and to the show cause order.

The **9**th

ANNIVERSARY EDITION
OF

Hollywood
THE REPORTER

*Will be combined with
one honoring the first Fifty
Years of Motion Pictures...*

★ *The Dual Edition
will be published late in
September.*



DO NOT REMOVE (See Column 4 Below)

THE FILM DAILY

Intimate in Character
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The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 43 NEW YORK, THURSDAY, AUGUST 31, 1939 TEN CENTS

ITOA Asks Majors to Adopt Arbitration for 1939-40 D OF J FILES COAST CRIMINAL CONTEMPT ACTION N. J. Allied Confab to Attempt Duals Elimination

Leaders Will Press Ending of Two Features; To Ask Majors' Help

"Death to duals" will be one of the principal battle cries of Allied of New Jersey's 20th annual convention next Wednesday, Thursday and Friday, in the Ritz Carlton Hotel, Atlantic City, it was asserted yesterday by organization leaders who will press for the "reform," with the hope that the conclave will vote the move and adopt a program whereby duals-elimination can be effectuated.

While this is not the first in-
(Continued on Page 8)

FILMS CREATE NEW PROBLEMS IN FRANCE

Quebec—Development of the moving picture industry has created new and complicated problems for courts and lawyers, Jacques Charpentier, Batonnier of the Paris bar, told the annual meeting of the Canadian Bar Association here.

As the representative of the French legal profession at the meeting of Canadian lawyers, M. Charpentier
(Continued on Page 8)

Key "Hollywood Cavalcade" Showings Set for Sept. 29

Trade showings of the 20th-Fox production, "Hollywood Cavalcade," will be held at key city exchanges throughout the country on September 29, according to Herman Wob-
(Continued on Page 7)

Possible GB Dividend

London (By Cable)—In view of the improved finances of the company, Isidore Ostrer, chairman, Gaumont British, believes that resumption of ordinary dividends might be possible when the results for the current year are shown.

GN Financing to be Set Next Week

Financing of Grand National will be completed by the end of next week, well-informed sources told THE FILM DAILY yesterday, indicating that the RFC loan of \$400,000 is set and lacks only the formality of notification. On Monday, last, Educational and GN stockholders paved the way for the Government loan by approving the Felt & Co. plan, by terms of which some \$1,000,000 would be available to GN within 48 hours after the RFC made the loan.

UA Plans Most Ambitious Program for 1940-41; Will Stress Quality

United Artists plans the most ambitious program in the company's history for 1940-41, with its entire producer roster concentrating on bigger pictures with general increases in budget expenditures, Murray Silverstone, UA chieftain told THE FILM DAILY yesterday following his return from



MURRAY SILVERSTONE

Coast huddles. He disclosed that deals are being negotiated now with producers on the Coast and in England to expand the producer roster, but he said that this did not mean that any large numerical increase in the number of pictures the company would produce was planned, as the company's producers have tentative product lineups that stress quality and not quantity. "War or no war, our plans are not likely to be changed in any way as I am firmly convinced that the public will accept only top flight product with real entertainment value in either case," he said. He amplified this statement by point-
(Continued on Page 6)

TMAT Reported to Strike at Connecticut Houses

A strike at two theaters operated by the Peskey-Loew-Baranco circuit in Connecticut may be called by the Theatrical Managers, Agents and

Treasurers Union this week-end, it was reported yesterday. At the union's executive board meeting this week authorization to strike was
(Continued on Page 8)

Wants Immediate Application of Code for "Exhib. Benefit"

Monogram 6-Month Contracts Over 500 Ahead of Last Year

Financial report of Monogram, to be mailed tomorrow to company's
(Continued on Page 8)

ITOA, at a meeting of that exhib. body in the Hotel Astor yesterday, passed two important resolutions, the first of which empowered the organization to ask Columbia, RKO, Uni-
(Continued on Page 8)

Government Charges Consent Decree Entered in 1930 Has Been Violated

By MILTON F. LUNCH
Washington Bureau of THE FILM DAILY

Washington — Criminal contempt proceedings were brought yesterday by the Department of Justice against the majors on the West Coast, for alleged violation of a consent decree, entered in 1930 between the majors and the government. This stringent action follows department investigations on the West Coast for the past several years under the regime of Thurman Arnold.

The criminal charges were brought
(Continued on Page 7)

STRIKE CALL SET ON IATSE WALKOUT

Strike of all actors throughout the country may be called Monday night if the stagehands' union refuses to allow its members to work at the re-opening of the Vinton Freedley show Monday, because of Sophie Tucker's suspension by Equity, it was reliably reported last night. This course of
(Continued on Page 7)

Wilmington Police to Check on "Blue" Activities Sunday

Wilmington — In connection with the campaign to enforce Delaware "blue" laws, Attorney General James
(Continued on Page 8)

"Star Maker" Big

Paramount's "The Star Maker," latest Bing Crosby starrer, got off to an exceptional start at the Paramount yesterday. At five p.m. admissions were \$300 better than the opening day's receipts on "Beau Geste." Robert M. Weitman, manager of the house, estimated the picture would exceed \$10,000 for the day.

THE Film DAILY

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/4	11 1/4	11 1/4	
Col. Picts. vtc. (2 1/2%)	8	7 7/8	7 7/8	+ 1/8
Columbia Picts. pfd.				
Con. Fm. Ind.				
Con. Fm. Ind. pfd.				
East. Kodak	167	167	167	+ 2
do pfd.	170 1/2	170	170	- 1
Gen. Th. Eq.				
Loew's, Inc.	42	41	41	
do pfd.				
Paramount	8 3/4	8 1/4	8 1/2	
Paramount 1st pfd.				
Paramount 2nd pfd.	10 1/4	10	10	+ 1/2
Pathe Film	10 1/4	9 5/8	9 3/4	+ 3/8
RKO	1 3/4	1 3/4	1 3/4	+ 1/8
20th Century-Fox pfd.	17 3/4	17 3/8	17 3/8	- 1/8
Univ. Pict. pfd.				
Warner Bros.	4 1/2	4 1/4	4 1/4	- 1/8
do pfd.	51	51	51	- 1

NEW YORK BOND MARKET

Keith B. F. ref. 6s46.			
Loew's deb. 3 1/2s46.	102 1/4	102	102
Para. B'way 3s55.			
Para. Picts. 6s55.			
Para. Picts. cv. 3 1/4s47			
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48	86	85	85 - 1

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.	1 3/8	1 3/8	1 3/8
Technicolor	14	13 3/4	14 + 3/8
Trans-Lux			
Universal Corp. vtc.			
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100 1/2	
Fox Thea. Office Bldg. 1st '46.	3 3/8	4 1/4
Loew's Thea. Realty 6s 1st '47.		
Met. Playhouse, Inc. 2nd deb. '45.	65	69
Roxy Thea. Bldg. 4s 1st '57.	62 3/4	65

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Rose Arriving to Set Para. English Production Plans

Production program of Paramount in England for the coming season will be set at huddles starting next week in the home office when David Rose, English chieftain for the company, arrives here to confer with prexy Barney Balaban and Y. Frank Freeman, studio production head.

Rose is scheduled to sail next week on the Normandie. His sailing, however, is contingent on the European war situation. If war develops he will remain in England. Program outlined by Rose for the coming year is reported to be the most ambitious the company has ever planned. It is expected that Rose will secure some valuable story properties while here to meet his production needs, and will also make arrangements to borrow some of Paramount's top-flight stars for his productions.

Rose is bringing with him a print of the recently completed "French Without Tears."

M-G-M Arranges "Women" Tieup with American Gas Co.

M-G-M and the American Gas Co. have arranged a series of tieups on "The Women." Under the plan, American Gas offices around the country will exhibit an elaborate kitchen setup, with credits to the picture, and feature displays of Servel refrigerators and Tappan stoves.

National advertising space is to be taken by the gas company with tieups on credits and stills from the picture, to break locally in connection with the premiere at Grauman's Chinese, Los Angeles, next Thursday.

Ross Federal Dist. Managers Meeting in H. O. Conferences

District managers of Ross Federal Research Corp. are meeting at the home office for a series of confabs to outline Fall and Winter plans and policies with home office executives. In for the meetings are Harold Lund, Eastern Division manager; Walter Anderson, head of the Southern district; Ruel Williams, from the West Coast; and J. A. Kraker, from the Mid-Atlantic district. President Harry A. Ross is presiding.

WB Managers in Town

Robert Smeltzer, Warner central district manager with headquarters in Washington; F. W. Beiersdorf, Warner Washington branch manager; and Harry Seed, Warner Pittsburgh branch manager, were in New York yesterday for conferences with Roy Haines, Eastern and Canadian sales manager.

Quimby Takes Over FW Para.

Fort Wayne, Ind.—Quimby Theaters, Inc., has taken a lease on the Paramount and will reopen the house with a first-run policy without stage shows. M. Marcus will continue as manager.

Warners "Bill of Rights" Premieres at Williamstown

Williamstown, Mass. — Warners' historical Technicolor short "The Bill of Rights" had its world premiere last night at the National Conference of Christians and Jews, before 2,000 delegates.

Climax of the evening was a Coast-to-Coast radio symposium over the NBC Blue network, on the Bill of Rights, with distinguished guests of the Conference and Warner players taking part. From Hollywood Paul Muni, Jane Bryan, John Litel, James Stephenson and Henry O'Neill spoke. They were accompanied by the NBC Symphony orchestra.

Frank Kingdon, of the University of Newark acted as master of ceremonies at Williamstown, with Frank Porter Graham, George N. Schuster, Carlton J. H. Hayes and Fannie Hurst as speakers.

Washington Warner Club Elects Crouch President

Washington Bureau of THE FILM DAILY Washington—George A. Crouch has been elected president of the Warner Club of Washington. John J. Payette continues as honorary president of the club, which is affiliated with the national organization of Warner Clubs.

The following have been elected as vice-presidents in charge of special activities: Welfare, Harry E. Holmeyer; entertainment, Fred Thomas; membership, Fred McMillan; chairman of the committee on contributions and loans, C. E. McGowan.

Nat B. Browne, was made secretary of the club, while George Larkin was elected treasurer.

To Examine Tarkington

Stipulation was filed yesterday in Federal Court in which Booth Tarkington consented to an examination before trial in his suit, for \$100,000 damages, an injunction and an accounting, against Warner Bros. Pictures, Inc. Until Tarkington testifies on a date to be agreed upon, a trial of the suit will be stayed, the stipulation stated.

Tarkington claims misappropriation of his literary property by the defendant in its film "Penrod And His Twin Brother." Warner Bros. are counter-claiming for \$18,750, claiming that certain stories sold to it by Tarkington were in the public domain.

"Oz" in 3rd Capitol Week

M-G-M's "The Wizard of Oz" goes into its third week at the Capitol today. On the stage will be Judy Garland, Bert Lahr and Ray Bolger, all of whom appear in the film. Mickey Rooney has been called back to the Coast to appear in the next of the "Hardy" series.

"Real Glory" Opens Sept. 16

"The Real Glory," latest Samuel Goldwyn production, has been set to open at the Rivoli on September 16.

COMING AND GOING

HERMAN WOBBER, general manager of distribution for 20th-Fox, returns from the Coast next week.

HARRY M. WARNER, Warner prexy, BOE HOPE and wife, and DAN CARROLL return from Europe next Monday on the Quer Mary.

GLORIA JEAN, Universal's juvenile star left last night for Chicago to make a personal appearance with her film, "The Under-Pup" at the Roosevelt Theater.

WILLIAM C. GEHRING, central division sales manager for 20th-Fox, left last night for Montreal to negotiate a product deal with United Amusement Corp.

E. W. HAMMONS, GN prexy, leaves New York in mid-September for the Coast.

SCOTT R. DUNLAP, Monogram's production chief, and TREM CARR, producer, left New York yesterday for Hollywood.

RALPH MORGAN, KENNETH THOMSON and LAURENCE BEILENSON left for the Coast yesterday via TWA.

SONJA HENIE, MRS. HENIE, BELLE RICHARDS and ARTHUR WURTZ planned out of New York yesterday via TWA for the Coast.

VICTOR ORSATTI, agent, leaves New York today by plane for Hollywood.

TEX RITTER, Monogram's western star, who is on a p.a. tour, arrives today in New York for home office visit from Oxford, Pa.

JOSEPH BERNHARD, general manager of Warner Bros. theaters, returned to New York yesterday from a meeting with the entire staff of the Cleveland zone, accompanied by HARRY GOLDBERG, circuit's advertising manager.

SAM E. MORRIS, Warner vice-prexy, sails today from Rio de Janeiro, where he attended the premiere of "Juarez" last night, for a sales meeting in Buenos Aires. He will return to New York on Oct. 2.

EDWARD G. ROBINSON, who has been vacationing in Europe, with his wife and son, arrives home today on the U. S. liner Washington.

MORRIS H. SIMPSON, Para. exec., also arrives today on the Washington.

NORMA SHEARER, GRACE MOORE and ELSA MAXWELL are returning from Paris on the Manhattan.

LARRY COLOB of the Warner publicity department leaves tomorrow for a business trip to the company's Burbank studio.

WILLIAM ZALKEN, publicity director of the St. Louis Municipal Opera Co., is in New York for a short stay.

J. CHEEVER COWDIN, chairman of the Universal board, has returned from the Coast.

RAY BOLGER is en route East for p.a.'s at the Capitol with "The Wizard of Oz."

HAROLD B. FRANKLIN has arrived at the Coast from New York.

FRANKLYN WARNER, president of Fine Arts, is here from the Coast.

NEIL HAMILTON has planned in from the Coast for a short stay.

GEORGE HAYES is en route from the Coast for his first visit in 20 years to his home town, Wellesville, N. Y.

W. P. LIPSCOMB, scenarist, will sail from London Sept. 15 for the U. S.

GEORGE BROWNE, IATSE prexy, has returned to his New York headquarters from Chicago.



Best wishes from THE FILM DAILY to the following on their birthdays:

AUGUST 31

Si Seadler	Hugh Harman
Fredric March	Frances Gross
John Garrick	Phil Charig
Frank Marsales	Morris L. Steuerman



THERE'S A FORTUNE IN YOUR PALM!

The Previews of M-G-M's "The Women" and "Babes in Arms" have been held!

When you see them for yourself you will understand the furore they have created.

No season has ever, thus early, yielded two such sensational attractions.

Previews of other early releases from M-G-M will be held shortly. What you have heard is true. M-G-M is racing far ahead of the entire field. The wise money is on Leo!

NORMA SHEARER • JOAN CRAWFORD
Rosalind Russell in "THE WOMEN" with
Mary Boland • Paulette Goddard
Phyllis Povah • Joan Fontaine • Virginia
Weidler • Lucile Watson • From the
Play by Clare Boothe • By Arrange-
ment With Max Gordon Plays and
Pictures Corporation • Screen Play by
Anita Loos and Jane Murn • Directed
by George Cukor • Produced by
Hunt Stromberg

MICKEY ROONEY and JUDY GARLAND
in "BABES IN ARMS" with Charles Win-
ninger • Guy Kibbee • June Preisser
Grace Hayes • Betty Jaynes • Douglas
McPhail • Rand Brooks • Leni Lynn
John Sheffield • Screen Play by Jack
McGowan and Kay Van Riper • Based
on the Play by Richard Rodgers and
Lorenz Hart • Directed by Busby
Berkeley • Produced by Arthur Freed

for six weeks this Summer

RADIO CITY MUSIC MORE THAN HALF A ON THREE RKO R

TWO WEEKS OF

BACHELOR MOTHER

(June 29 - July 12) . . .

the picture that's now sweeping the subsequent runs to unprecedented business!

THREE WEEKS OF

IN NAME ONLY

(August 3-23) . . . The attraction

that's opening to such terrific business everywhere!

HOLDOVER WEEK OF

FIFTH AVENUE GIRL

Just beginning . . . and

it's all set for the pre-release key run smash in September!

...Er...

**C HALL GROSSED
MILLION DOLLARS*
RADIO SHOWS!...**

*** A HOT-WEATHER
AVERAGE OF
ALMOST \$90,000
A WEEK!... ***THAT'S*****

*what we mean when we say
BIG ONES from RKO RADIO!*

UA PLANS AMBITIOUS PROGRAM FOR 1940-41

(Continued from Page 1)

ing out that in the event of war, pictures for domestic distribution would have to be big attractions to interest the public and in any scene of war, exhibition of pictures would have to provide the public with real entertainment or it would not be worthwhile trying to show them at all.

Only Big Pix Will Succeed

Silverstone said that he had discussed the world-wide situation with David O. Selznick, UA producer, and that Selznick had also stated he was firmly convinced that only big pictures will make a dent in any market in the future and particularly so at this time.

He revealed that the Selznick production of Daphne du Maurier's novel, "Rebecca," would in all probability be roadshowed. It was also learned that Selznick's "Intermezzo" would probably go into the Music Hall. When asked if UA had had any differences with the MH which had caused them to open one of their big pictures in another New York house, Silverstone said that it had merely been a question of UA wishing to get the picture out quickly and no available date could be had at the MH at that time.

Korda Won't Shift to H'wood

Alexander Korda has no plans to shift his production headquarters to Hollywood at this time or in the future, regardless of what may happen. Silverstone said that his proposed trip to England would be undertaken next month as he had planned, unless war prevents his going. He disclosed that a picture entitled "An Englishman's Home," being directed by Albert de Courville, is being completed for the company now in England, at the Korda studios, and release would be rushed due to its timeliness.

He also disclosed that a company representative is now in Spain making a thorough survey with a view to producing there for the Spanish and Latin American markets.

Silverstone announced release dates of forthcoming UA pictures as follows: "Intermezzo," Sept. 22; "The Real Glory," Sept. 29; "Eternally Yours," Oct. 6 and "The Housekeeper's Daughter," Oct. 12.

July Brit. Film Imports Off 44% From Last Year

London (By Cable)—British film imports for the month of July, 1939 showed a decrease of 44 per cent from July of last year. Exports for the same month this year dropped 200,000 feet from July 1938.

Imports for the first seven months of this year were 10,957,455 linear feet as against 11,237,828 in 1938, while seven-month exports for 1939 totalled 12,684,356 feet compared to 12,997,553 feet the previous year.

ALONG THE



WITH PHIL M. DALY

● ● ● AT last Gene Autry is intelligently Explained..... and up to the present writing the gigantic film success of Autry has been one of the toughest things to explain in the entire industry.....but that article, "Tenor On Horseback" by Alva Johnston in the current Saturday Evening Post makes everything crystal clear.....

● ● ● THE PROBLEM in handling Gene is that he has a fifty-fifty appeal for romantic dames of all ages and the kids of grammar-school age.....and those two divisions of box-office clients stand at opposite poles of the picture-making formula..... what is pie-crust for one is poison for the other.....the femmes want the romance and the adolescent males shy away from the love-making mush.....so.....how to reconcile these opposite entertainment likes and dislikes and get the sentimental dames to ooh-ah and the girl-shy kids to whoop'er up while sitting looking at the same picture.....and that, folks, is Some Problem.....

● ● ● BUT the bunch at the Republic studio has doped out the right answer.....proved by the fact that today Autry's mail is the biggest received by any Hollywood star.....yet the solution was amazingly simple when they finally hit upon it.....to wit: feed the femmes the romantic interest by having Gene take out his guitar and sing a song to the heroine, but never let him get mushy with her..... feed the unromantic kids the business of snooting the gal in the beginning, and then doing the hero stuff and save her from the villain for a sentimental fadeout without any actual clinch.....simple.....and it's making record grosses on Westerns for Republic.....

● ● ● PRIVATE preview of "Nurse Edith Cavell" at the Trans-Lux theater at Lexington Ave. and Fifty-first Street this afternoon.....followed by an informal dinner in the Empire Room of the Waldorf-Astoria.....to specially invited guests..... with S. Barret McCormick acting as host for RKO Radio.....the entire party in honor of the star, Anna Neagle, and the producer, Herbert Wilcox.....

● ● ● OUR own industry hero.....Leonard Palumbo, of Warner's pub dep't has qualified for the finals of the National Amateur Golf Championship.....to be held in Chicago starting Sept. 11....Palumbo won his qualifying round Tuesday at the Wingfoot Country Club in Westchester in competition with the best amateur golfers in the East....

● ● ● RECEPTION at the Music Hall studio apartment in honor of William Holden, Adolphe Menjou, Lee J. Cobb and Sam Levene.....of the cast of Columbia's "Golden Boy".....given by W. G. Van Schmus to the gents of the press and some radio columnists who are assumed to be gents.....among those present were: Harry Cohn, Jack Cohn, A. Montague, Nate Spingold, Maurice Bergman, Jack Alicote, Colvin Brown, Maurice Kann, Sam Shain.....Frank Nugent, Kyle Crichton, Ben Crisler, Tom Pryor, Jack Stinnett, Max Hill, John Chapman, Dan Walker, Leo Mishkin.....Bland Johannesburg, Eileen Creelman, Fred Smith, Kate Cameron.....

FILMS CREATE NEW PROBLEMS IN FRANCE

(Continued from Page 1)

devoted the customary address delivered by foreign representatives to an outline of the French law relating to motion pictures.

The central problem related to the ownership of films. French courts had decided the producer was the owner of a film although he might have obligations to the author of the scenario, the stars, the photographers and various technicians whose creative work formed part of the film.

Even where a film is made from a novel, it is regarded in France as a new artistic creation. The tribunal of the Seine has decided a film based on a novel is a new work in that it proceeded from a different technique and had a different aim.

So far Poland is the only country to legislate on proprietary rights in films but in France legislation is being drafted, he said.

In time, it is possible there might be in international agreement governing these rights as was the case with copyright in books. Charpentier said he had no doubt the final solution of the problem would be a general rule that the producer was the owner.

Whenever anything went wrong with a moving picture the public and the courts usually held the producer responsible. They did not look to the author or the star or the photographer, he added.

Thus in France if a person on the street had a picture taken of him without his consent, which appeared in a movie in such a way as to cause injury to him, he could recover damages from the producer.

M of T Completes Script for "Ramparts We Watch"

March of Time has completed the final shooting script for "The Ramparts We Watch," the first full-length feature to be produced by The March of Time.

Production of the film, inspired by Major George Fielding Eliot's book of the same title, is already well under way and is being supervised by Louis de Rochemont, associate producer Thomas Orchard and James Wolcott.

Asks Krelberg Examination

Producers Laboratories, Inc., has filed application in the New York Supreme Court, to be heard tomorrow, for an order directing Sherman S. Krelberg, as president of Joan Of Arc Pictures, Inc., to appear for examination before trial. Joan Of Arc Pictures is plaintiff in a suit against Producers Laboratories in which it seeks rescission of a contract under which it purchased distribution rights to the films, "I Conquer The Sea" and "Revolt Of The Zombies."

Contempt Action Penalties Are at Discretion of Court

Consent Decree Violations Have No Set Standard for Punishments

(Continued from Page 1)

in the District Court for the Southern District of California against Fox West Coast Theatres Corp., Fox West Coast Agency Corp., Fox West Coast Service Corp., 20th Century-Fox Film Corp., Loew's, Inc., Metro-Goldwyn-Mayer Distributing Corp., Paramount Pictures, Inc., RKO Radio Pictures, Inc., RKO Distributing Corp., Universal Film Exchanges, Inc., Warner Brothers Pictures, Inc., Vitagraph, Inc., United Artists Corp., and 54 individual officers and employees of these corporations.

Department announcement declared the proceedings were brought "in accordance with the announced policy of this department vigorously to enforce decrees entered in anti-trust proceedings, whether entered by consent or after litigation."

Suit Approved by Murphy

This latest Justice Dept. action against the industry was brought, as usual, by Thurman Arnold, head of the Anti-Trust Division with the approval of Attorney General Frank Murphy.

The Government asserts in announcing the action that for the past several years it has received numerous complaints that the parties named in the decree were violating its provisions. A comprehensive field investigation was launched as a result of the complaints, and in the course of the investigation considerable evidence was developed indicating that seven major distributors have given to Fox West Coast Theatres Corp. prior rights to negotiate for and to exhibit pictures released by them, it is charged. Other charges are that Fox West Coast Theaters obtain pictures on more favorable terms than independent exhibitors and is not required to purchase all pictures released, that Fox West Coast Theaters demands and receives adherence to zoning and clearance schedules in favor of its theaters and to the discrimination of independent theaters; and that such practices have resulted in the monopolization by Fox West Coast Theaters of first-run and other early run theaters in virtually every desirable location in Southern California.

To "Recreate" Indie Competition

"If the evidence to be presented to the court establishes that the decree has been violated, the proceedings will serve not only to punish the defendants for disobeying the court's order, but also to recreate a situation in which the independent exhibitors may compete on equal terms with Fox West Coast Theatres Corp.," the Justice Department states.

Penalties to be imposed on majors under the law, if they are found guilty, are entirely at the discretion

Criminal Contempt Proceedings Are Result of Alleged Violations of 1930 Consent Decree

Background of yesterday's West Coast criminal contempt proceedings goes back to the 1930 equity suit instituted by the Dept. of Justice against the majors, alleging conspiracy to restrain and monopolize trade in motion pictures. It was charged then that the distributors were granting preferences to Fox West Coast Theaters over its competitors, the independent exhibitors.

These preferences allegedly included the right to select and contract for pictures before the indies; excluding indies from exhibiting pictures first-run, or in competition with Fox West Coast; and adopting and enforcing zoning and clearance schedules which granted Fox West Coast arbitrary and unreasonable protection and clearance over indies.

Defendants entered into consent decree in 1930, enjoining the continuance of the alleged conspiracy.

Key "Hollywood Calvacade" Showings Set for Sept. 29

(Continued from Page 1)

ber, general manager of distribution.

An advance publicity campaign to herald the screenings will be worked out by Charles E. McCarthy, director of advertising and publicity, in the Eastern territory, and by Harry Brand, studio publicity chieftain, for the Coast area.

Leichter Selling Seven

West Coast Bureau of THE FILM DAILY

Hollywood — Mitch Leichter has sold the rights to "Sudan" for Oregon and Washington to Ed Hudson Film Exchange of Portland, Ore. Leichter, who is covering all the key cities, will also sell a series of six pictures which he will produce for the 1940-41 season. He has closed "Sudan," and also a series of six pictures, for California, Nevada, Arizona, New Mexico, Oregon, Washington, Idaho, Hawaiian Islands and Alaska. He is now en route to Denver, Dallas, Atlanta, Philadelphia and New York.

Chi. Operators Negotiate

Chicago — Negotiations for new operators' contract with Illinois Allied is under way. The next meeting, Jack Kirsch, Allied prexy, says will be held Wednesday. Morris Leonard, B & K counsel, meets with union today for a new contract.

Close Hoffberg Deal

Deal with the Interstate Circuit in Texas to play the 1939-40 lineup of J. H. Hoffberg, distributor of foreign pictures, has been closed by Pat Garyn, district manager in the south for Hoffberg.

Brown Circuit GHQ Moves

Detroit — Offices of Brown Theaters Circuit have been moved from the Penobscot Building to the Francis Palms (Palms-State Theater) Building.

of the court, it was learned today at the Department of Justice. There are no set standards for such violations, it was reported. Legal circles here believe that the court can impose fines or imprisonment or both for guilty parties.

British Ass'n of Science to Hear Four Film Papers

London (By Cable)—British Association of Science conference, opening today at Dundee, will pay increased attention to films, with Odeon's Richard R. Ford leading a discussion of four papers to be presented. Subjects and speakers are:

F. A. McKie, "Films in Schools"; Dr. W. B. Inglis, "Children and Entertainment Films"; A. Cavalcanti, "Propaganda by Films"; and Oliver Bell, "Public Taste and Entertainment Films."

Arnstein Files Appeal

Ira B. Arnstein has filed notice of appeal to the Circuit Court of Appeals from a decision of Federal Judge Edward A. Conger made on July 12 which dismissed his suit for injunction, accounting and damages against Ascap, Warner Bros., CBS, NBC and a large number of music publishing houses. Arnstein claimed infringement of over 50 of his songs.

Jack Mullen Installed

New Haven—Jack Mullen, of Warner Bros., president of B-41 exchange employees' union under IATSE, and other newly-elected officers have been installed at a meeting at the Hotel Garde. Others installed were Katherine Fitzgerald, Republic, business agent; Jerry Massimino, Warner's, vice-president; James Mahan, Paramount, secretary; and William Nutile, Paramount, treasurer.

McKinson Promoted

West Coast Bureau of THE FILM DAILY

Hollywood—Leon Schlesinger has promoted Robert McKinson to chief animator of his cartoons. McKinson, one of the top animators of the cartoon plant and on the Schlesinger pay-roll for the past nine years, will now supervise all animation work on "Merry Melodies" and "Looney Tunes."

Release "Royal Divorce"

Select Attractions, Inc., announces for immediate release Ruth Chatterton in "A Royal Divorce" featuring Pierre Blanchard and directed by Jack Raymond. The premiere will take place Friday at the Esquire Theater, Los Angeles.

STRIKE CALL SET ON IATSE WALKOUT

(Continued from Page 1)

action was said to have been approved yesterday at a lengthy session of the AAAA International Board, before Ralph Morgan, Ken Thomson and Laurence Beilenson left for the Coast.

Mass meetings of all AAAA unions will be called Sunday night, both in Hollywood and New York,

West Coast Bur., THE FILM DAILY

Hollywood—Asked whether producers are prepared to sue actors individually, or the Screen Actors' Guild as an organization, in the event the Guild calls a strike, Joseph M. Schenck yesterday declared that he did not care to anticipate trouble and would rather await developments before making any statements.

to vote on this reported course of action, with every indication pointing to its unanimous approval. It was emphasized yesterday by a 4A exec. that the fight of the actors organization is no longer against Ralph Whitehead, but is now directly aimed at George E. Browne and the IATSE, to protect the AAAA from being dominated by the IA.

Browne's actions were bitterly assailed again yesterday in a statement from the AAAA, which declared that everything he has done has been illegal. However, although no IA executive would comment last night, they have already gone on record as intending to strike the Freedley show if Sophie Tucker does not appear and no action has indicated that they have changed their plans.

A meeting of actors in Hollywood this week voted in favor of striking and a 4A strike ballot vote is being completed with the organization's membership unanimously in favor of this course of action.

Meanwhile, a ray of hope appeared on the horizon when it was reported that Freedley may not reopen the show, in which case strike action would at least be delayed for the time being, although it is certain to be taken by both unions unless the dispute is mediated before definite action is taken.

Yesterday it was announced that the Balaban & Katz chain in Chicago had stated that only AFA could appear on its stages, but this was later said to have been denied by a B & K exec. Further action was expected in Chicago where the stagehands are debating walking out on a theater where the Stroud Twins, members of the AGVA, are appearing. AGVA was organized by the AAAA after they ousted the AFA.

Miss Tucker stated yesterday that she planned to appear for rehearsal Monday morning at the Imperial Theater, where the Freedley show is scheduled to reopen, as her contract calls for her appearance and it has in no way been abrogated.

N. J. ALLIED HOPES TO ELIMINATE DUALS

(Continued from Page 1)

stance of the New Jersey organization's attempt to sink double features, conditions are looked upon as ripe for achievement of the aim.

It is pointed out that Allied members in that State, in numerous instances, are now operating on a single feature policy. Further, such operation is held to be succeeding, notwithstanding the clinging to duals by opposition stands in the same situations. Testimony to this effect is being compiled currently to win over any inter-organization opponents of the proposed step.

Sources close to N. J. Allied state that the actual ways and means of ditching duals will have to be formulated by the convention itself, with a vital factor being the enlistment of co-operation from the majors' circuits.

Other key problems which will come before the Atlantic City conclave will be the buying situation; clearance; forcing of shorts and features, plus problems attending practice of giveaways.

N. J. Allied Expects 400 to Attend A. C. Convention

Close to 300 reservations have been received for Allied of New Jersey's 20th annual convention, to be held Sept. 6-8 inclusive in Atlantic City's Ritz Carlton Hotel, it was announced yesterday by E. Thornton Kelly, conclave's manager, who looks for a total of 400 reservations by next Wednesday when the gavel raps for first general session.

Within the framework of the convention is to be held the Eastern Regional Conference of unit's directors.

Scheduled speakers at the convention include Gov. Harry A. Moore, of New Jersey; Col. H. A. Cole, president of National Allied; Abram F. Myers, Allied's general counsel; Nathan Yamins, president of the Independent Exhibitors, Inc., and former president of National Allied; Sidney E. Samuelson, Allied of N. J. chieftain; M. A. Rosenberg, Pittsburgh; Arthur Howard, Boston; and Herman Blum, Maryland.

Among the Trade Show exhibits will be those of RCA, Metro Premium, Abbey Premium, National Theater Supply, Universal, Republic, Monogram, National Screen Accessories, Dennis Game Accessories (distributors of screen game, "Lucky"), Heywood Wakefield, American Seating, Altec Service Corp., and numerous others.

Convention events are:

Wednesday, Sept. 6—Registration of all delegates, Convention Foyer, 3rd floor, 10 a.m.; Trade Show, inspection of exhibits, Convention Foyer, 11 a.m.; First General Session, Trellis Room, 3rd floor, 3 to 5 p.m.; Get-Together Party, Atlan-

Pictures Follow Political Trends

Current European political situation is bringing about a fast double-shuffle on some pictures. England this week okayed "Professor Mamlock," anti-Nazi picture. Switzerland has banned "Confessions of a Nazi Spy." The Russian Pavilion at the World's Fair has withdrawn "Professor Mamlock" and, at latest reports, the Russian Government was negotiating for "Confessions of a Nazi Spy."

TMAT Reported to Strike at Stamford, Greenwich Houses

(Continued from Page 1)

granted to the motion picture division of the union.

Houses involved are the Strand, Stamford, and the Pickwick, Greenwich. Union is now picketing two theaters operated by the circuit in the Bronx and is striking a third house in the same area. Dispute centers around alleged unfair labor practices of the circuit in refusing to rehire union men and refusal to recognize the union as a bargaining agent.

The union asserts that at the picketed houses in the Bronx, which are closed for renovation, work has been held up as the A F of L Building Trades members will not cross the picket lines.

Adjourned hearing of the TMAT-Raymond Theaters case will be continued this morning before the New York State Labor Relations Board. Union has filed a petition for recognition as bargaining agent.

Wilmington Police to Check on "Blue" Activities Sunday

(Continued from Page 1)

R. Morford has written to Andrew J. Kavanaugh, superintendent of public safety, asking that city police submit to Morford's office the names and addresses of all places where business is transacted this Sunday.

John R. Fader, superintendent of state police, has not yet received a similar letter asking for a survey by state officers.

Walton, N. Y.—Within the next few weeks, Sunday movies will be shown here for the first time in the village's history, following a referendum earlier this week. Residents approved a change in the law by 848 to 771.

tic City's 500 Club, 10 p.m., supper, dancing, floor show.

Thursday, Sept. 7 — Committee Meeting, Trellis Room, 10 a.m.; Eastern Regional Directors Meeting, Gold Room, 11 a.m.; Luncheon for Eastern Regional Directors, Dining Room Loggia; Second General Session, Trellis Room, 2 to 5 p.m.; Ladies' Beach Party, 2:30 p.m.; Official Photographs, Iowa Ave. entrance of Ritz Carlton, 5:30 p.m.; Allied Cocktail Party, Exhibit Hall, 7:45 p.m.; Annual Banquet, Main Dining Room, 8:30 p.m.

Friday, Sept. 8—Third General Session, 3rd floor, 11 a.m., business including Product Survey Results, Good and Welfare, Committee Reports, and Final Adjournment; Bathing Beauty Pageant Parade, Boardwalk, 3 p.m.

Subway Entrances for Three B & K Theaters in Chicago

Chicago—Rapp & Rapp, theater architects, are preparing preliminary plans for subway entrances, to be connected with the new Chicago subway, for the State Lake, Chicago, Roosevelt and United Artists Theaters of the Balaban & Katz circuit. Tom Lamb, New York architect, who drew the plans for the McVickers theater, will take care of the subway plans, according to Aaron Jones, Sr., prexy of the Jones, Linick & Schaefer circuit. The City of Chicago will pay the owners of the Selwyn and Harris theaters about \$160,000 for a parcel of the land, under these houses, that will be needed for the Lake Street extension of the Loop subway.

It's The Round Table

New Orleans—Film Row's social club which has been going around without a name since its inception several months ago, has finally been baptized. Name for the outfit, which consists of office workers in exchanges and theaters, is the Round Table Club. Arthur Bartlett of Theater Service Corp., buying outfit, is president; Louis Briant of 20 Century-Fox is secretary and Herb Schlesinger, treasurer.

Yates Cuts Stay Abroad

Herbert J. Yates has decided to cut his stay in the British Isles by a week and sail for home today on the Manhattan, due to the political situation, it was learned yesterday. Yates, Mrs. Yates, his son, Richard, and Gene Autry and his wife, had been visiting a number of cities where Autry made personal appearances. Remainder of Autry's scheduled appearances were cancelled.

Orlob Leases Space

Office space has been taken by Harold Orlob, producer, at the Fox Movietone plant on 54th St. Orlob is now working on the script of picture tentatively titled, "Listen Louella," with production scheduled to start late next month using Cosmicolor.

Form Jefferson Pictures

Jefferson Pictures, Inc., has been chartered at Albany, with Al and Joseph Rosen and Mabel Hudson as directors. Capitalization is \$30,000.

Pix Lectures at Northwestern

Chicago—Northwestern University is adding a 24-week motion picture lecture series to its college course this Fall.

ITOA ASKS MAJORS FOR ARBITRATION NOW

(Continued from Page 1)

versal, M-G-M, Paramount, 20th-Fox and UA to follow the policy of Warners, recently announced by Gradwell L. Sears, company's sales chief, "to arbitrate with any customer desiring so to do, all claims and controversies which may arise under our license agreements, and our form of license agreement contained an optional arbitration provision. We will continue to give to each of our customers the option to arbitrate all such claims and controversies."

The resolution cited that the other majors should not be afraid to arbitrate difficulties and differences in the course of legitimate business dealings.

Further, the resolution asked that the arbitration principle be applied by the other majors for the 1939-40 season, and in the instance of distributing companies having theater affiliates, such theater affiliates should also enter into the agreement for arbitration.

Second announced resolution passed at the meeting stated that "it would be a serious mistake on the part of distributor companies not to make the Code effective immediately, for the Code was formulated for the benefit of theater owners in order that they may regulate themselves from within the industry," and calls upon the majors to place it in force.

Monogram 6-Month Contracts Over 500 Ahead of Last Year

(Continued from Page 1)

stockholders, discloses that during the first six months of 1939 the number of deals closed between the company and circuits and independents attained a total of some 6,700 contracts, as compared to 6,108 during the previous six-month span.

Further indication of company's progress was manifest by fact that during the first six months of 1939, operating profit amounted to \$41,640, compared to a loss of \$123,484 during the corresponding period a year ago.

Mrs. Moulton Dead

Boston—Mrs. Al Moulton, wife of the secretary of the local operators union, is dead here.

WEDDING BELLS

Tijuana—Maurice Costello, screen veteran, and Ruth Reeves, actress daughter of Federal Judge Albert Reeves, of Kansas City, were married here.

Des Moines—Joy Hodges, Universal star, is to be married here tomorrow to Albert Doorly, assistant managing editor of the Omaha World-Herald.

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 44

NEW YORK, FRIDAY, SEPTEMBER 1, 1939

TEN CENTS

Expiring U. S.-Jap Trade Pact Not Slated for Revival 90 PICTURES COMPLETED ON 1939-40 PROGRAMS Exhib. Drive Ups Universal Revenue \$75,000 a Week

Expected \$1,000,000 Gain Will Be Put Back In New Production

That Universal's revenue has averaged \$75,000 over normal during the past four weeks, which span represents one-third of the three-month Exhibitor - Sponsored Testimonial Drive, is asserted by the company, which estimates that the total income increase when the drive is completed will be in excess of \$1,000,000, since, it is pointed out, weather conditions in September and October

(Continued on Page 9)

NSW CONTRACT ALLOW 25 P.C. CANCELLATIONS

Standard exhibition contract in New South Wales, put into effect by the government as of August 14, has clauses calling for 25 per cent cancellation, 15 per cent British quota, 2½ per cent local quota, and arbitration by a film commission, THE FILM DAILY was told yesterday by Charles Munro, Hoyts Theaters chieftain, before he left New York for the Coast, en route to Sydney.

Contract, however, does not allow

(Continued on Page 8)

Republic Closes With WB for Seven West Coast Towns

West Coast Bureau of THE FILM DAILY
Hollywood—James R. Grainger, Republic's president and general manager in charge of distribution, closed a deal yesterday by terms of which company's 1939-40 prod-

(Continued on Page 8)

Tele Reporter

San Francisco — A sidewalk reporter with a television set is a new feature at the Golden Gate Exposition. A television camera being used in RCA exhibit in the Hall of Electricity and Communications is moved daily into the Court of the Seven Seas for the stunt.

An Outstanding Achievement

A great ovation was given to the private preview of the first Anglo-American production, "Nurse Edith Cavell," in the swanky atmosphere of the Trans-Lux Theater at Lexington Avenue and Fifty-first Street. Here is an impressive, dramatic production that adheres faithfully to the historical record, and done without a single note of bias or propaganda. A truly significant achievement that will weld British and American relations in a closer bond. A timely picture if ever there was one, in this present European crisis, that showmen can capitalize on to the limit. Anna Neagle is superb in the title role, playing her historic part with fine restraint and sensitivity. Producer-Director Herbert Wilcox and RKO Radio are to be felicitated on one of the really significant production achievements of the year.

—HARROWER.

ITOA ASKS FOR SPEEDY TO RATIFY COHN PACT ARBITRATION ACTION AT COL. ANNUAL MEET

ITOA yesterday dispatched letters to executives of Columbia, RKO, Universal, M-G-M, Paramount, 20th-Fox and UA, asking that these companies to include in their 1939-40 license agreements a clause relegating all claims and controversies arising out of such agreements to arbitration, following the lead of Warners.

Harry Brandt, ITOA president,

(Continued on Page 9)

Mobilization Plans Are Set by News of the Day—Hatrack

News of the Day's world-wide organization of cameramen is completely mobilized for instant action in the event the tense European situation hatches actual hostilities,

(Continued on Page 7)

Notice has been sent by Columbia Pictures Corp. to stockholders that company's annual meeting will be held on Sept. 20. Session will be preceded by a special meeting of Voting Trust Certificate holders at 1 p. m.

The latter conclave will ascertain

(Continued on Page 8)

Cohn and McConville Will Survey South Amer. Offices

Survey tour of Columbia's Latin American and South American exchanges will be undertaken this Fall by Jack Cohn, vice-prexy, and J. A. McConville, foreign manager, it was announced yesterday. Buenos Aires, Montevideo, Rio de Janeiro and Caracas are among the key cities in this territory the two execs. will visit.

Japan's Stability and Good-Will Held Prerequisite to New Ties

IATSE Strike in St. Louis is Settled by Agreement

St. Louis—Dispute between operators of the Bremen and O'Fallon Theaters, and Local 6 of the St. Louis Theatrical Brotherhood, and Local B-2 IATSE has been settled.

(Continued on Page 8)

Washington Bureau of THE FILM DAILY

Washington—One of the factors upon which interest centers in the generally disturbed international situation, and one which is bound to have a marked effect on the film industry, is Japan's newly-formed cabinet which has been set up as the result of Nippon's "sale down

(Continued on Page 7)

Steady Flow of Product Available Despite Any Emergency

West Coast Bureau of THE FILM DAILY

Hollywood—Survey this week of the eight majors disclosed that a total of 90 pictures on the new season schedules have been completed and a large number of films are nearing completion, guaranteeing exhibitors a steady flow of product for some time to come, despite any emergency that may arise.

In addition to this total, Republic has completed five pictures on its new lineup, Monogram is completing several, and a number of pictures

(Continued on Page 7)

GOV'T. INTERVENTION LOOMS IN LABOR WAR

Washington Bureau of THE FILM DAILY

Washington—Intervention of the U. S. Department of Labor in the AAAA-IATSE dispute was reported last night to be under consideration as the threat of a general strike that may cripple the entire entertainment industry seemed imminent. Whether or not James B. Dewey, ace mediator of Frances Perkins' staff, or some other Labor Department executive,

(Continued on Page 8)

Murphy Flying to Coast to Confer with D of J Ass't.

Washington Bureau of THE FILM DAILY

Washington — Attorney General Frank Murphy will fly to Los Angeles next Thursday to confer with Special Assistant Charles H. Carr, who is directing the Government's income tax and labor cases against members of the industry on the West Coast, he stated at his press conference yesterday. Murphy said

(Continued on Page 8)

No Paper Monday

Monday being Labor Day there will be no issue of THE FILM DAILY.

THE FILM DAILY

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)	7 3/4	7 1/2	7 1/2	- 3/8
Columbia Picts. pfd.				
Con. Fm. Ind.	1	1	1	- 1/8
Con. Fm. Ind. pfd.	9	8 5/8	9	- 3/4
East. Kodak	166 1/4	164	166	- 1
do pfd.				
Gen. Th. Eq.	9 1/2	9 1/2	9 1/2	- 5/8
Loew's, Inc.	41	39 1/2	39 1/2	- 1 1/2
do pfd.	106	105 3/4	105 3/4	- 1/4
Paramount	8 1/8	7 3/4	7 7/8	- 3/8
Paramount 1st pfd.				
Paramount 2nd pfd.	9 3/4	9 1/2	9 1/2	- 1/2
RKO Film	9 1/2	9	9 1/2	- 1/4
RKO	1 3/4	1 3/4	1 3/4	
20th Century-Fox	17 1/4	17	17	- 3/8
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	43 3/8	41 1/4	41 1/4	
do pfd.	50	50	50	- 1

NEW YORK BOND MARKET

Keith B. F. ref. 6546	99 7/8	99 7/8	99 7/8	- 1/8
Loew's deb. 3 1/2% 46	102 1/8	102	102	
Para. B'way 3555				
Para. Picts. 6555				
Para. Picts. cv. 3 1/4% 47				
RKO 6541				
Warner Bros. cv. 6539				
Warner Bros. db. 6548				

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	+ 1/8
Sonotone Corp.	1 3/8	1 3/8	1 3/8	
Technicolor	13 3/4	13 1/4	13 1/4	- 3/4
Trans-Lux				
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.		100 1/2
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

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Membership Selected for Delaware "Blues" Study

Wilmington, Del.—General Assembly in Dover, which adjourned Tuesday, selected the personnel of a nine-member commission which will study the need of modification or revision of the Sunday "blue" laws of the state.

The four House members are: Representatives Henry C. Canby, George W. Rhodes, Edward Knight, and John L. Barr. The four Senate members are: Senators George R. Clark, Harold W. T. Purnell, Paul R. Rinard and Benjamin F. Simmons.

This committee will meet soon and organize by selecting a president and secretary. It will make its recommendations for changes in the blue laws to the 1941 session of the legislature.

The Rev. Ralph L. Minker, superintendent of the Ferris Industrial School, was selected as the ninth member of the commission.

Negotiating Projectionists Agreement in Detroit Area

Detroit—Projectionist' Local and theater operators are negotiating renewal of two-year contracts, with operators asking for slight increases in smaller houses, none in larger theaters, and exhibitors seeking slight cuts in most cases. Operators are also understood to be seeking two weeks' vacation with pay. No difficulty over final agreement is anticipated.

FPC Quarterly Dividend

Montreal—Directors of Famous Players Canadian Corp. have declared a quarterly dividend of 25 cents a share on the no par value common stock, payable Sept. 30 to shareholders of record Sept. 15.

Paramount holders of Hamilton United Theaters preferred stock have received circulars from the company asking them to state the price at which they would be willing to sell the stock, and explaining that "the company is interested in purchasing a limited number of preference shares for redemption," but does not undertake to redeem all or any part of the shares that may be offered. The preferred stock is redeemable at \$100 and the current bid is 60 1/2. On Dec. 31, 1938, 7,879 shares of preferred were issued at par \$100.

Bingo Injunction Setback

Milwaukee—The action of Charles W. Trampe, head of the Monogram-Midwest Film Exchange, to secure an injunction restraining the Bahn Frei hall from playing Bingo, received a temporary setback when Circuit Judge Daniel W. Sullivan issued an order barring the contemplated adverse examination today of Mr. and Mrs. Edward Zrinsek, operators of the tavern in connection with the hall. The judge also ordered Trampe to show cause Sept. 8 why the proposed examination should not be halted.

Monogram to Release Three, Shoot Four in September

Three Monogram productions are scheduled to be released during September, with two already in the cutting room. "Mutiny in the Big House," starring Charles Bickford and Barton MacLane, for release Sept. 12 and "Sky Patrol," a Tailspin Tommy, to be released Sept. 30, are being cut. Third release will be the first of the "Renfrew" series.

Monogram has four set to go before the cameras during September. "His Father's Son," with John Carroll and Martin Spellman, "Overland Mail," with Jack Randall, "Roll, Wagons, Roll," Tex Ritter musical western and "Mr. Wong at Headquarters" are the titles.

A John Trent film, tentatively titled "Scouts of the Air" is now in production.

Montreal Cancels "Beau" at French Consul's Request

Montreal—Because of protest by the French consulate, the engagement of "Beau Geste," which was to have commenced at the Palace Theater here today has been cancelled. Consolidated Theaters, owners of the Palace, announce that they had decided to withdraw the film from circulation locally but gave no details of the French protest.

"Beau Geste" was passed by the provincial board of censors a few days ago. In its silent version the picture was shown throughout the province many years ago.

The Palace has substituted the Warner picture, "The Old Maid" for "Beau Geste."

"The Old Maid" Held Over In Six Eastern Showings

Warners' "The Old Maid," having broken all records at the Brooklyn Paramount, is being held over there and at five other spots.

Holdover spots include the Paramount; Stanley, Baltimore; Earle, Washington; Warner, Atlantic City; Warner, Bridgeport, and Strand, New York. Latter house is holding the film for a fourth week, equalling the record of "Angels With Dirty Faces."

"Star Maker" Continues Big

Paramount's Bing Crosby starrer, "The Star Maker," in its second day at the Paramount at five o'clock was running \$500 better than the second day's take on "Beau Geste." First day's receipts at the theater were \$9,700, and, from present indications the second day's receipts will be just as big, according to Robert M. Weitman, manager of the Paramount.

"Hawaiian" Premiere Tonight

"Hawaiian Nights," Universal musical, will have its world premiere at the Princess Theater, Honolulu tonight.

COMING AND GOING

WILLIAM F. RODGERS arrives here this morning from the Coast.

H. M. WARNER arrives here Monday on the Queen Mary.

JACK COHN and J. A. McCONVILLE will make a survey tour of South America this fall.

AL POWELL, of the Griffith Amusement Co. and DALE LYNN, of the Pirtle Circus, will be visitors this week at the RKO Junge.

GUSTAV MOHME, manager in Mexico for 20th-Fox, arrived in New York yesterday from Mexico City.

CHARLES MUNRO, head of Hoyts Theaters in Australia, left New York last night after three and a half month stay here. He sails for Sydney Sept. 13 on the Monterey.

BOB HOPE and his wife arrive here Monday on the Queen Mary.

MITCHELL LEICHTER arrived from Hollywood yesterday.

WALLACE BEERY and his daughter, CAROL ANN, are at the Waldorf.

EDWARD G. ROBINSON leaves New York next week for the Coast.

DOUGLAS FAIRBANKS arrived from Europe yesterday on the Clipper.

SOL LESSER leaves for Pennsylvania today to confer with Thornton Wilder at his New Hope home regarding Lesser's forthcoming production of the Wilder play, "Our Town."

L. J. MCGINLEY, director of the Universal sponsored films drive, will be in Chicago this week-end.

EDNA BEST arrived here yesterday on the Nieuw Amsterdam.

TEX RITTER, following a brief visit at the Monogram home office, has gone to Salisbury, Md., to resume his p.a. tour.

Folley Suit Extension

Time for Columbia Pictures Corp. to file answer to the \$750,000 anti-trust suit of Folley Amusement Corp. was extended to December 20 in a stipulation filed yesterday in Federal Court. Suit, which charges a conspiracy to restrict sale of product allegedly resulting in the plaintiffs closing the doors of the Folley Theater, in Brooklyn, is against four majors, Monogram Distributing Corp., Republic Pictures Corp., and Randforce Amusement Corp.

No reason for the prolonged extension of time was given.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 1

E. M. Asher Richard Arlen
Rex Beach Miriam Seeger
Edwin S. Clifford Betty Blythe

Maj. Wm. S. Altman

SEPTEMBER 2

David Rollins Ernest Hickson

SEPTEMBER 3

Larry Weiner

SEPTEMBER 4

Pete Smith Jack Duffy

**PREVIEW CRITICS HIT
PINNACLE OF PRAISE
FOR THE STORY THAT
SHOCKED THE WORLD!**



"A fine picture...amazing the way it holds interest... audience profoundly moved... Anna Neagle gives an inspired performance."

—Louella A. Parsons, *International News Service*

"Definitely on the 'must see' list... Holds you every minute of the way... Anna Neagle is certainly a living lesson to some of the better-known actresses."

—Erskine Johnson, *King Features Syndicate*

"It remains one of the finest pictures to come to the screen... No other actress could have achieved the role of Edith Cavell as perfectly as Anna Neagle."

—Paul Harrison, *NEA Service*

"Herbert Wilcox will be able to present with pride his first picture made in America... A film of quality, dignity and great interest... You feel as if you were viewing the actual happenings with real persons instead of actors... Anna Neagle's portrayal by all odds one of the finest of the year... worthy of consideration for Academy honors."

—Edwin Schallert, *Los Angeles Times*

"Miss Neagle's performance ranks her among the major film actresses."

—Meyer Levin, *Esquire*

"A beautiful picture with a powerful theme... Anna Neagle is one of the finest actresses of the screen."

—Whitney Bolton, *N. Y. Morning Telegraph*

"The drama of Cavell is powerful... Thought-provoking drama with a stellar performance of the highest calibre."

—Harrison Carrol, *Hollywood Herald & Express*

"Outstanding among the year's pictures... Anna Neagle reaches a new high in bringing dignity and grace to the screen."

—Hedda Hopper, *Jones Syndicate*

"One of the most imposing films to come out of Hollywood... Intensely moving in its subdued tones, ruthlessly violent in its brutal moments... Will prove itself a potent box-office factor."

—Hollywood Reporter

"Begets a sure suspense which holds audiences spellbound... Anna Neagle gives a superb conception of the Cavell role."

—Hollywood Variety

"Without question, the motion picture event of the year... Anna Neagle's portrayal is definitely an Academy award performance... Everyone must see 'Nurse Edith Cavell'."

—Alice Tildesley, *Phila. Ledger Syndicate*

"A powerful dramatic picturization... gripping, stirring production."

—Film Daily

"Intense drama... A tale of sacrifice and devotion, appealingly told."

—Motion Picture Daily

"One of the greatest productions ever to come from any studio... Should hold all audiences through every brilliant moment... The best that is Hollywood's and England's is here combined in a single glorious production."

—Elizabeth Wilson, *Screenland and Silver Screen*

ANNA NEAGLE AS



"I have never been more moved by any motion picture . . . It is one of the truly great pictures of all time . . . The tender and poignant performance of Anna Neagle rates the highest honors filmdom can bestow."
—Ruth Waterbury, *Photoplay*

"Here is a picture so perfect that a most minute examination reveals not a single flaw . . . Will stand for years as the high water mark in Hollywood production . . . I join what certainly must be a chorus in declaring that Anna Neagle has turned in an Academy Award performance."

—Mayme Ober Peak, *Boston Globe*

"A film beautifully done . . . It has a suspense that is remarkable . . . There is a nobility about the picture which is almost above tears."

—Jessie Henderson, *Philadelphia Bulletin, Baltimore Sun*

"I loved it . . . Miss Neagle's performance and Herbert Wilcox, producer, made of the picture a triumphant occasion that will be long remembered."

—Harry Mines, *Los Angeles Daily News*

"A profoundly stirring picture . . . Don't miss it . . . and make a small bet that Anna Neagle will be up for an Academy Award."

—George Fisher, *Mutual Broadcasting's Hollywood commentator*

"'Nurse Edith Cavell' will go down in screen history as one of Hollywood's greatest productions."

—John Schwartzkopf, *Fawcett Publications*

"A strong dramatic picture with Anna Neagle seen in one of the finest dramatic performances to originate in Hollywood . . . Herbert Wilcox's production and direction is tops with Hollywood's own aces."

—Clarke Wales, *Detroit Free Press*

"An impressive picture that puts over a smashing message . . . Anna Neagle is terrific . . . She gives an inspired performance."

—Eric Ergenbright, *McNaught Syndicate*

"From the opening scene to the final one the audience was held spellbound . . . Outclasses everything I have seen in the way of a picture . . . Nothing else like it . . . It is superb . . . Comes nearer to being a masterpiece than anything I have seen for a long while . . . Anna Neagle gives a performance that places her beside Sarah Siddons and Ellen Terry."

—Col. R. A. Duckworth-Ford, *London Times*

"Superbly knit story . . . perfect character casting and pungent direction . . . Anna Neagle's performance places her beside Hollywood's greatest tragediennes in international screen importance . . . Nurse Edith Cavell impresses me as an all-around candidate for Academy honors."

—W. H. Mooring, *London Daily Herald and Film Weekly*

"A magnificent and impressive picture . . . Great page of history brought vividly to the screen."

—Harold Salemonson, *Paris Soir and Pour Vous*

"In this opus Anna Neagle, beautiful, quiet-mannered English star, hits Hollywood like a bombshell."

—Ella Wickersham, *Los Angeles Examiner*

NURSE EDITH CAVELL



"'Nurse Edith Cavell' is a picture which will live long in the memory of everyone who sees it."

—J. Maurice Ruddy, *Daily Sketch*,
Sunday Graphic, London

"The most powerful film ever to reach the screen . . . In the title role Anna Neagle gives a superb conception of the martyred Nurse Cavell . . . A performance of Academy calibre . . . The picture is destined for universal triumph with every kind of audience."

—Guy Austin, *London Daily Express*

"Herbert Wilcox has made a great film . . . Anna Neagle's 'Nurse Edith Cavell' is a masterpiece . . . No other screen artist save Charles Chaplin has such pantomimic genius."

—Ray Lewis, *Canadian Motion Picture Digest*

"A beautiful and moving recital of the story of the English nurse . . . It is an important film told with direct simplicity . . . Miss Neagle's performance is brilliant in its quiet sincerity . . . She makes the martyred nurse a credible human person."

—Robin Coons, *Associated Press*

"This film is one of the screen's few authentically great and significant tragedies . . . The production is as nearly perfect as Hollywood ingenuity and British thoroughness could make it . . . I am willing to believe that Miss Neagle's conception of the role is as the martyred nurse would have wanted it."

—Philip K. Scheuer, *Los Angeles Sunday Times*

ANNA

Neagle

AS

NURSE

EDITH

CAVELL

with

**EDNA MAY OLIVER
GEORGE SANDERS
MAY ROBSON
ZASU PITTS
H. B. WARNER
SOPHIE STEWART
MARY HOWARD
ROBERT COOTE**

IMPERADIO PICTURES, LTD.

A HERBERT WILCOX PRODUCTION

DISTRIBUTED BY RKO RADIO PICTURES, INC.

SCREEN PLAY BY MICHAEL HOGAN

PRODUCED AND DIRECTED BY

HERBERT WILCOX



JAP TRADE PACT NOT TO BE REVIVED

(Continued from Page 1)

the river" via effectuation of the Nazi-Soviet non-aggression pact.

Informal opinion expressed by sources close to the State Department is that there will be no steps taken to resurrect the U. S.-Japan trade agreement as the provisions now stand, and which expires in January, next. However, dependent upon developments of the next few months, negotiations may be opened for a new agreement between the two nations, and films are virtually certain to be taken into account.

Another course looming is that the expiring pact will be allowed to die without interim negotiations. Those who advance this view say that a prerequisite of any new trade agreement will have to be a political rapprochement together with a revived amity between the countries. Substance is given to this argument by citation that it is useless to conclude trade pacts unless political "insurance" is there to protect them. This "insurance" must be in the form of stability and good-will. A further consideration which points to the wisdom of permitting the demise of the current U. S.-Japan agreement is that a more favorable deal may be made by the U. S. than is afforded under the expiring pact.

Counter to the popular belief, film industry companies, aside from balking at the Japanese exchange restrictions, have been favorably impressed in the past with the co-operative attitude of officialdom there. That the American companies have made substantial progress in Japan during the current year,—and this in face of the "China adventure,"—is borne out by reliable statistics which show that the "take" of the U. S. distribs. since Jan. 1, last, is on the way to eclipse any previous year's revenue.

Buffalo Health Board Bans Children Because of Polio

Buffalo—Children less than 14 years old were banned from attending theaters here yesterday by the Board of Health, due to the prevalence of infantile paralysis. The youngsters cannot be admitted whether or not they are accompanied by parents. Prohibition will continue indefinitely.

Circuit and independent houses have cancelled Saturday matinees until the ban is lifted.

Raise Discrimination Penalty

Madison, Wis. — The Rubin bill amending the equal rights statutes has been approved by the State Legislature and signed by Gov. Heil. It increases the minimum penalty for persons charged with discriminating against individuals because of color or creed in hotels, restaurants, public conveyances, places of amusement, etc., from \$5 to \$25.

ALONG THE



WITH PHIL M. DALY

● ● ● IT was really a significant industry event that unfolded last night.....with the presentation to a select private audience of the timely historical film, "Nurse Edith Cavell," at the Trans-Lux theater at Lexington Ave. and Fifty-first St.....under the combined auspices of Producer-Director Herbert Wilcox and George Schaefer on behalf of RKO Radio.....

● ● ● WE use the word "significant" advisedly.....for here is the first Anglo-American production, which marks a new era in industry relations between Great Britain and the United States.....it stands as impressive testimony to what can be accomplished with British brains and talent combined with Hollywood technique and wholehearted co-operation.....

● ● ● AS for the picture itself, there can be nothing but whole-hearted praise.....one of the few great historical documents ever produced on the screen.....beautifully treated throughout with the human note dominant in a dramatic episode of World War history.....remarkable in the fine British sporting spirit evidenced by the producer-director who never struck one single note of bias in subject-matter that so easily lends itself to propaganda.....and as for the sensitive and dramatically restrained performance of Anna Neagle in the title role, it lifts her into the select class of really great screen performers.....

● ● ● AFTER the preview there followed an informal dinner in the Empire Room of the Waldorf-Astoria.....a classy production in itself that gracefully matched the picture, and for which full credit must be given advertising chief Barret McCormick and his staff.....here was one banquet at which the guests listened with genuine enjoyment to intelligent and brief remarks from the dais.....

● ● ● TOASTMASTER George Schaefer, the RKO president, said he was happy in contemplating this distinctive picture which welds the best production in England with Hollywood facilities....."That which emanates from the mind and heart will ever rise above merely mechanical and technical efforts in picture production"....."To you, Herbert Wilcox, I want to express how happy I am that our mutual plan has proved so fruitful. You have made not only a very fine product but a very profitable one"....."To you, Miss Neagle, my deep appreciation for a very grand performance".....and all the guests enthusiastically applauded those sincere sentiments.....

● ● ● PRODUCER-DIRECTOR Herbert Wilcox paid a tribute to the friendly spirit he found in Hollywood.....he marvelled at the technical facilities he found there.....Miss Neagle said with charming modesty that she hoped she had conveyed something of the spirit of a remarkable woman in her interpretation.....On the dais were.....Will Hays, Herbert Wilcox, Anna Neagle, George Schaefer, Richard Patterson, Jr., Ned Depinet, Jules Levy, M. H. Aylesworth, Jack Alicoate, Terry Ramsaye, Andrew Christeanson, Malcolm Kingsberg, W. G. Van Schmus, and Mr. and Mrs. Charles Halleart, the Belgian vice consul and his wife.....

« « « » » »

90 FILMS COMPLETED ON 1939-40 PROGRAMS

(Continued from Page 1)

have been finished by other independents.

Figures on completed pictures, by studios, is as follows: Paramount, 19; Warners, 19; 20th-Fox, 15; Universal 15; RKO, seven; Columbia, six; Metro, five; Selznick International, two; and Hal Roach and Walter Wanger each one.

Mobilization Plans Are Set by News of the Day—Hatrack

(Continued from Page 1)

it was asserted yesterday by E. B. Hatrick, vice-president and general manager of the newsreel, who also said that the European staff, under the general direction of Captain Ariel Vargas, ace cameraman, is particularly well-manned and equipped.

For the present, Vargas, whose cinematic activities go back to front line trench coverage in the World War, is maintaining headquarters in Paris, but is in close communication with such organizations co-operating with News of the Day as Gaumont-British in London, Eclair in France, Ufa and Germany, Polska Agencja Telegraficzna in Warsaw, and with the newsreel's own staff in Italy under direction of Umberto Romagnoli.

George Allison, prominent British broadcaster, has rejoined the staff and will head the British office, Hatrick states, and, that, meanwhile in New York, M. D. "Mike" Clofine and his staff are ready to rush additional cameramen to foreign soil should eventualities require the move.

The newsreel plans to fly footage across the Atlantic via Clippers, and planes also will be used to rush developed negatives to U. S. key cities.

Mrs. Crandall Dies

Washington Bureau of THE FILM DAILY

Washington—Mrs. Harry M. Crandall, 62, wife of the late pioneer film theater operator of Washington and vicinity, died at her home here, 4530 16th St., N. W., early yesterday morning, following a six months' illness.

She is survived by a sister and three daughters among the latter, Dorothy, who is the wife of John J. Payette, a former associate of Crandall, and now general zone manager for Warner Bros. Theaters in the Washington territory.

Monogram Circuit Deals

George W. Weeks, general sales manager for Monogram Pictures, announced that circuit commitments covering the 1939-40 product have been closed with Robb & Rowley, Dallas; Mutual Circuit, Detroit; Farrar Circuit, St. Louis; and Bendheim Circuit and I. Notes of Washington.

GOV'T. INTERVENTION LOOMS IN LABOR WAR

(Continued from Page 1)

was planning to leave Washington last night for New York conferences with executives of the warring unions could not be determined.

It was believed here that the importance of the film industry would necessitate intervention by the Labor Department in the event of a nationwide entertainment industry strike, apart from the report that they are already considering action to stall off a strike.

No comment was forthcoming here at the headquarters of the American Federation of Labor as to whether or not the organization would play a role in this situation, with a spokesman pointing out the the A F of L executive council had done everything in its power already to avert trouble when they handed down a ruling at the Atlantic City huddle recently.

Actors and Stagehands Ready for Strikes, Retaliation

Moves and counter-moves by warring entertainment unions added to the already high tension which threatens, unless some sort of truce or rapprochement is effectuated over the Labor Day week-end to darken all New York theaters and halt production in pix studios on both Coasts.

Salient among yesterday's developments were the authorization of Paul Dulzell executive secretary of Actors' Equity by that body's Council to call a strike in theaters here if the stagehands walk out on the show "Leave It To Me" on Monday night.

At a scheduled mass meeting of Equity members and the other AAAA unions at the Hotel Astor on Sunday night approval of this action will be sought.

Dulzell declared last evening that if on Monday the stagehands walk out as threatened "our people will walk out of every New York show on Tuesday."

AGMA and AFRA, respectively embracing musical and radio performers, backed, as branches, the AAAA stand by resolving to cease work where members of IATSE are employed should the threatened showdown develop. SAG is asserted to be fully supporting the AAAA position.

At the meetings yesterday of AEA, AGMA and AFRA chieftains, resolution called on all members to resign from AFA, it was reported.

Equally as militant and adamant in the situation rising to gale proportions were the AFA wings of the controversy. At latter's headquarters here last night a summons and complaint were declared to have been served in a court action instituted by Ralph Whitehead, executive secretary of AFA, who charged various officials of the AAAA and allied bodies with libel, as result of which

Television, Radio Films Released for School Use

Two one-reelers produced by Pathe for theatrical distribution have been made available to schools, churches, clubs and other community groups at no rental charge. These films, titled "Air Waves" and "Television," are sponsored co-operatively by the RCA, NBC and RCA Manufacturing Co. The films have already been shown to theatrical audiences totaling more than 10,000,000.

Murphy Flying to Coast to Confer with D of J Ass't.

(Continued from Page 1)

he will meet FBI Director, J. Edgar Hoover there for a conference with him, and other department officials, on the Coast.

The Attorney General declined to say what he will take up specifically, but said he will discuss several matters. He did not reveal Hoover's present activities in Los Angeles. It is expected that strategy on the criminal contempt proceedings announced yesterday will be one of the chief topics of conversation.

Murphy further disclosed yesterday that Will H. Hays, MPPDA prexy, paid him a visit at the Justice Department this week, after seeing President Roosevelt. Murphy stated emphatically that they did not discuss any of the Department's pending litigation against the industry. "We discussed other motion picture matters involving the department," he said, but was extremely cagey about what the other motion picture matters were. Asked if he had heard reports that the purpose of Hays visit to the President was to call off the Justice Department, Murphy said that no such thing was suggested to him.

On his way back from Los Angeles, Murphy revealed, he will stop in Detroit, rumored site of next anti-trust action.

Chi. Operators Want 10%

Chicago—Operators Union is now asking for 10 per cent wage advance instead of 20, it was learned yesterday. They also want restoration of the five per cent wage cut, they took last year.

the plaintiff seeks damages in the amount of \$100,000.

Whitehead alleges he was expelled by the AAAA, pursuant to which there were statements made of a nature detrimental to his reputation. Named in the complaint are Frank Gillmore, AAAA president; Kenneth Thomson, executive secretary of SAG; Paul Dulzell, AEA's executive secretary; Emily Holt, AFRA executive secretary; Florence Marston, SAG's Eastern representative; Edward Arnold, SAG vice-president; Paul Turner, AAAA counsel; Henry Jaffe, AFRA counsel, and Edward Harrison, press representative of the AAAA.

West Coast Bureau of THE FILM DAILY

Hollywood — Kenneth Thomson, SAG secretary, returning from New York, said that 99 per cent of SAG members contacted have signed strike pledges. President Ralph Morgan stated that he did not believe individual actors would be held liable if they walk out.

New South Wales Contract Allows 25% Cancellation

(Continued from Page 1)

any cancellation by distributors, who must fulfill their contracts until the time they expire if they wish to end them. One alternative is open for the distribs: they can go before the film commission, and if cause can be shown that they are losing money through unprofitable operations and taxation, they will be allowed to cancel their contracts, but if they do this they have to cancel all their contracts, it was said.

Only chance for distribs. to again do business there if they follow through on the cancellation procedure is to renew all the contracts they cancelled.

Munro reported that he has closed product deals for the theater chain with RKO, Warners, United Artists, Universal and Columbia, and that a 20 year deal with 20th-Fox is in the last stages of negotiations with only a few details left to be worked out. He said that recent reports showed the company's theater business for the last two months to be slightly ahead of last year.

He will wind up a four months' stay in this country when he sails for Sydney Sept. 13 on the Montevideo.

IATSE Strike in St. Louis is Settled by Agreement

(Continued from Page 1)

Under the peace agreement the unions have called off pickets and will reinstate various ushers, ticket takers, doormen who were dismissed for alleged failure to pay union dues, as members of Local B-2.

The operators, as of the agreement, will use their influence to have the Labor Committee of the MPTO of St. Louis call meeting to take up the question of a new wage and working hours agreement for Local B-2, and also the question of employing members of Local 6 for maintenance work in the houses.

Cleveland Warner Club Sets New Officers and Governors

Cleveland—The Cleveland Warner Club, at a supper dance at the Lyndhurst Country Club announced the list of new officers for the year. They are: president, Bob Cox; vice-president and chairman of the entertainment committee, Marvin Samuelson; vice-president and chairman of the welfare committee, Ruth Finger; vice-president and chairman of the membership committee, David Bachner; secretary, Jane Meisel; treasurer, Irving Ribbe. Chairman of loans is Evelyn Friedl and the new board of governors is composed of Eddie Miller, manager of the Hippodrome; Charles Albert, and Larry Kreusser, bookers.

TO RATIFY COHN PACT AT COL. ANNUAL MEET

(Continued from Page 1)

the wishes of the holders of the Voting Trust Certificates, even though the Voting Trustees approve the extension of the respective employment contracts of Harry Cohn and Jack Cohn for a period of three years from July 1, 1939, upon the same terms and conditions as provided in their previous contracts.

Stockholders will also be called upon to approve, ratify and confirm the contracts of the Messrs. Cohn, and, in addition to elect seven directors,—a complete board,—for the ensuing year; okay the merger into the Corporation of the two subsidiaries, Columbia Pictures Corp. of California, Ltd., and Columbia Pictures Distributing Co., Inc.; as well as approve, confirm and ratify issuance to Samuel J. Briskin of an additional option for 2,500 shares of common stock to be represented by Voting Trust Certificates if exercised prior to April 1, 1940.

It is virtually a foregone conclusion that Harry Cohn, Jack Cohn, A. Schneider, Jack Kerner, Charles Schwartz, Leo M. Blancke and Saul H. Bornstein, all members of the present board, will be elected to the new board.

Republic Closes With WB for Seven West Coast Towns

(Continued from Page 1)

uct will play Warner Bros. houses in California.

Pact covers Beverley Hills, Huntington Park, Los Angeles, Fresno, San Bernardino, Santa Barbara and San Pedro.

Circuit Booker Portmajor represented the circuit in the negotiations, and, in addition to Grainger, Grover C. Parsons, West Coast sales head, and Francis Bateman, Los Angeles exchange manager, represented Republic.

To Examine Katherine Moog

Warner Bros. Pictures, Inc., on Friday filed notice of intention to examine Katherine Moog before trial on September 18 at the offices of Warner Bros. Examination is in reference to a suit for \$75,000 damages against Warners brought by Katherine Moog, plaintiff, in which she charges violation of the civil rights law in the Warner picture, "Confessions of a Nazi Spy."

Incorporate Lynn Chain

Lynn, Mass. — Comique of Lynn, Inc., 95 Munroe St., this city, has been granted a charter of incorporation to operate theater. The concern, which is authorized to issue 5,000 shares of no par value common stock, has elected the following officers: President, Maurice H. Gerber; treasurer, Sydney E. Solomon; clerk, Ethel I. Solomon.

EXHIB. DRIVE UPS "U" INTAKE \$75,000 A WK.

(Continued from Page 1)

are virtually certain to have an accelerating effect.

Expectation that the drive would show the million-dollar increase, and recognizing the incalculable good-will which will accrue from the drive, "U's" production chiefs have agreed to put the money back into boosting production values on pix set for drive delivery.

Company, on top of the announcement made last week that an emergency budget of \$200,000 has been established to insure prompt delivery of the two final pix schedule for delivery in connection with the drive, "Destry Rides Again" and "Green Hell," now is increasing production budgets of "The Tower of London" by \$300,000, and the budgets of "Destry Rides Again," "Green Hell" and "The Invisible Man Returns" by \$200,000 each.

Additionally, a maximum budget of \$100,000 is being allotted for trade paper and consumer promotional campaigns to back up the foregoing big pix. This budget, supplementing expenditure on smash openings of "When Tomorrow Comes" and "The Under-Pup," along with amounts on other current attractions, is likely to witness a new promotional budget record for the New Universal's inception.

ITOA Asks Speedy Action By Majors on Arbitration

(Continued from Page 1)

said yesterday that the request to the majors was not a "trial balloon" to smoke out the disposition of the majors to get aboard the band wagon drawn up by Gradwell L. Sears, WB sales chief, but represented the solid and practical belief of ITOA that the arbitration step is a pressing necessity and should be taken without delay.

Brandt said that whatever the answer of the seven majors may be, it would be communicated to several indie exhib. organizations who are nominal allies of ITOA in the effectuation of trade practice reform. This implied that ITOA is acting as virtually spokesman for the other groups.

Mailing of the letters by John Manheimer, executive secretary, grew out of ITOA's Wednesday meeting at which a resolution was passed by the exhib. body to memorialize the seven majors to make arbitration an integral part of new season licensing.

Also communicated to the majors by ITOA was a resolution asking that the Code be put into effect at once.

"Rio" at Central Today

"Girl from Rio," Monogram picture starring Movita, will make its Broadway debut today at the Central.

THEATER CHANGES

A Nation-wide Survey of Theater Conditions Conducted
Exclusively for THE FILM DAILY by

ROSS FEDERAL SERVICE, INC.

Changes in Management

INDIANA

Fort Wayne — Paramount: New Manager Quimby Theaters; Former Manager Mannie Marcus; Present House Manager: Undecided.

Change in Ownership

ILLINOIS

Rockford—Rex; Transferred to E. Mitterling by Rudy Nelson; House Manager E. Mitterling.

IOWA

Cedar Rapids — Strand; Transferred to H. A. Sodini by Wright-Praught Co.; Present House Manager: W. R. Karsteter.

Lake Mills—Irving; Transferred to Thompson (owner Tonna Theater, Owatonna, Minn.) by M. O. Gotland.

Renovations Planned

GEORGIA

Calhoun—Gem; Work planned: Complete renovation, enlarged from 350 to 700 seats; Owner: Manning & Wink; Date to be completed 9-15-39.

IOWA

Paris—Novelty; Work planned: Remodeling, installing additional seats; Owner: Mrs. M. G. Price; Date to be completed: Near Future.

Cedar Rapids — Strand; Work Planned: Complete inside redecorating and new front; Owner: H. A. Sodini; Date to be completed: September 1st.

Boone — Rialto; Work Planned: Redecorating — New sound — New seats — Remodeling — New Drapes; Owner: A. H. Blank, Central States; Date to be completed: August 20, 1939.

Theater Openings

INDIANA

Fort Wayne — Paramount, 2100 seats (Mid-Sept.); Owner: Loop Realities Inc. House Manager undecided.

IOWA

Cedar Rapids—Strand (Sept. 1, 1939); seats 500; Owner: H. A. Sodini; House Manager W. R. Karsteter.

OHIO

Columbus—Majestic (August 4,

1939); Owner: Maurice White; House Manager, Maurice White. Xenia—Ohio, (August 26, 1939); Owner: J. L. Hatcher; House Manager, J. L. Hatcher; seats 750.

Theater Opened

MICHIGAN

Blissfield—Bliss; Date Opened, August 15th or 16th.

MISSISSIPPI

Ethel—Ethel, 210 seats; Site Ethel; House Manager: J. C. Alexander; Date opened 8-10-39.

North Carrallton—Carrall; 250 seats; Site: No. Carrallton; Date opened: 8-10-39.

Theater Closings

FLORIDA

Fort Meade—Fox (8-9-39); Owner: F. O. Mullen; destroyed by fire.

IOWA

Lake Mills—Irving; Owner: M. O. Gottlund; sold to Mr. Thompson.

WISCONSIN

Baraboo—Juliar (8-12-39); Owner: Henry Ringling; poor business.

Theaters Planned

CALIFORNIA

Claremont—550 seats; 3rd and Harvard; Builder: A. L. Reeves of Pomona; Architect Sumner Spaulding; Operator: Richard L. Bare.

San Diego—El Cajon; Blvd. and 47th St.; Cost: \$80,000; Operator: Fox West Coast.

IDAHO

Coeur d'Alene—Roxy; More than 600 seats; Site: Fourth and Front Streets; Builder: Mr. O. C. Paisley; Approximate Cost: \$50,000; Operator: Mr. Bailey.

Theaters Under Construction

CALIFORNIA

El Monte—El Monte; 1,000 seats; Site: Valley Blvd.; Builder: A. L. Sanborn and Mr. Renfro; Operator: A. L. Sanborn; Date to be completed: August 15th, 1939.

GEORGIA

Marietta—700 seats; Site: Park Square; Builder: Manning & Wink; Approximate Cost \$75,000; Operator: Manning & Wink; Approximate date to be completed: 10-15-39.

IDAHO

Coeur d'Alene—Roxy; 600 seats; Site: Fourth and Front St.; Approximate Cost: \$50,000; Operator: O. C. Paisley.

5 BIG REASONS WHY OCTOBER WILL BE A GREAT MONTH!

Oct. 15—*Science, Beauty and Evil Sail the Deep...*

"TORTURE SHIP"

Adapted from the story,
"A Thousand Deaths," by
JACK LONDON

Oct. 22—*A Monster of Intrigue Ravishes a Continent...*

"HITLER—BEAST OF BERLIN"

The Picture that Will Rock the Globe!

A 4-Star Special Production

Oct. 22 — *Out of the Mesquite and Cactus...*

"THE SAGEBRUSH FAMILY TRAILS WEST"

Featuring BOBBY CLARK
13-year old world's champion
junior cowboy

Oct. 29—*Crusading Journalism Pries the Lid Off Corrupt City Hall...*

"WANTED FOR MURDER"

Adapted from the Novel,
"Millions for Murder," by
Carter Wayne

Oct. 29—*Gouged from the Blood-Saturated Pages of Frontier History...*

"THE MAN FROM OKLAHOMA"

featuring
GEORGE HOUSTON,
singing star of stage, radio
and screen.

First release of 8
"TALES OF BILLY THE KID"

PRODUCERS DISTRIBUTING
CORPORATION

1436 No. Beachwood Drive,
Hollywood, Calif.

Exchanges Everywhere

THEATERS

- AIR CONDITIONING
- COOLING EQUIPMENT
- PROJECTION

EQUIP

IND.-ILL. CIRCUIT WILL BUILD \$100,000 HOUSE

Michigan City, Ind.—New \$100,000 theater to be erected here for the Indiana-Illinois circuit will be named the Lido and will seat 900. Pereira & Pereira, of Chicago, are the architects of the new house. This will give the circuit five theaters here.

To Build in Lubbock, Tex.

Dallas—Corgan & Moore, Dallas architects, have completed plans for the 1,500-seat New Lindsey theater at Lubbock. A corner entrance will be accentuated by a circular, brightly colored box-office and marquee.

New Newport News House

Newport News, Va.—Work has been started on the new \$50,000 Wythe by the Harwood Construction Co. of Newport News. Seating 560, the house will be operated by the Palace Theater Corp., Mrs. Bertha Gordon, president.

Wasserman Will Build

Alexandria, Va.—A new 400-seat theater will be built here by Harry Wasserman of the Capitol.

Heaton Erecting Another

Pittsburgh—William R. Heaton, who operates the Penn Theater in Pennsboro, W. Va., is constructing a 400-seat theater in Cairo, W. Va., which is expected to open around Labor Day.

\$150,000 House for Pana, Ill.

Pana, Ill.—The Tanner Theater Co. will build a \$150,000 theater here. Work will start at once, Harry Tanner states. Town has two houses, one dark.

New Insurance Loan Plan

A plan whereby life insurance policyholders may take advantage of the low money rates now prevalent on short term loans has been developed by D. H. Blair & Co., money brokerage firm. Under the Blair plan, any life insurance policyholder whose policies have a cash surrender value of \$5,000 or more may borrow up to the full cash value of his policies at rates varying from 2½ per cent to 3¼ per cent annually, according to the size of the loan.

DST Handling RCA Sound

Oklahoma City — The Oklahoma Theater Supply Co. has been named distributors for RCA sound, Brinkert projectors and Brinkert arc lamps for territories covered by the firm's Oklahoma City and Kansas City offices.

Improves Talisman

West Coast Bure. of THE FILM DAILY
Hollywood—John Meehan of Talisman Studios is reconditioning all the lamps and is adding \$5,000 in new lighting equipment. He is also planning to sound proof the last two of the eight stages.

New Type of Projection Microscope Introduced

West Coast Bureau of THE FILM DAILY

Hollywood—Recent development of a new type of projection microscope is gaining interest here among studio technicians.

Practically all precision sound-track measurements are made with a microscope, which has been the accepted standard of the industry. This method is necessarily slow, and in an effort to speed up track position, printer alignment, and other technical measurements, the new projection microscope has been developed.

One of the most important advantages of the instrument is its ability to detect printing machine defects, and by its use the quality of sound printing has been greatly improved.

Harry Schwartz, Schines Building in Paris, Ky.

Cincinnati—Work is scheduled to start at once on the new 400-seat Paris Theater, Paris, Ky., to be operated by Harry Schwartz, veteran Kentucky exhib. Costing \$20,000, the house will have approximately 400 seats. The F & Y Co., Columbus, is the contractor.

This makes the second new house started in recent months, the Schine circuit having already commenced work on a colored house. The only house in Paris at present is Schine's Bourbon.

New Theater for Lee

Lee, Mass.—Miss Elizabeth Formento announces that a new 700-seat theater is to be built on the Formento property on Main St. Plans and specifications are being prepared by J. R. Hampson of Pittsfield. The New Theater will be run in connection with the Park.

To Remodel Marion House

Columbus, O.—H. C. Patterson of Blanchester, operator of the Bowman Theaters, Inc., has acquired the Oakland Theater in Marion. House will be remodeled, with opening set for Sept. 1 under the circuit's banner. L. J. Flautt was the former owner. Details were handled through the local office of the Bob Byers organization.

Greiver Reopening House

Downers Grove, Ill. — The Si Greiver circuit will reopen the Don Theater here. New seats and modern equipment will be installed.

THEATER TO INSTALL "SPERTI" SUN LAMPS

Wilmington, Del.—When the new Rialto Theater opens in the Fall, it will be equipped with mercury-vapor lights, death-dealing to bacteria.

The theater has awarded a contract to Joseph J. Heintz, Jr., Inc., local distributor, for installation of 14 "Sperti" sun lamps by Aug. 28. The lamps will be placed in strategic points in the ceiling and their rays distributed by fans. Heintz said the Rialto will be the first motion picture theater in the country to be equipped with this type lamp as a health safeguard.

New walls and roof of the \$65,000 theater have been completed and work is being started on the reconstruction of the interior. The cost stated is only for construction work and does not include the cost of interior decorations, seats, and other equipment. The theater will be air-conditioned.

The therapeutic treatment administered with the rays, according to tests, builds body resistance. In effect, the lights "bring indoors all the vital properties of Summer sunlight, both visible and invisible," Heintz explained. The mercury vapor tubes are combined with incandescent lamps.

The lights will not injure the quality of the motion pictures but will enhance it, the blue light of the tubes filtering the red and yellow rays predominating in the ordinary projection of pictures. Also, the bluish tint aids in the color scheme.

Remodel Oakland Theater

Oakland, Cal.—The Esquire will be the new name for the old American Theater, following a general overhauling of the Blumenfeld-Laws house to cost \$50,000. The remodeled theater will have a seating capacity of 1,500. The house will reopen Sept. 1 featuring first-run WB pix.

Marosis Will Build

Pittsburgh—Speer Marosis, veteran exhibitor in this territory who has not been active for the past few years, has just completed plans for a new 1,500-seat theater in New Castle, where he was formerly located, on which construction is to begin immediately.

Heaton's Cairo Project

Pittsburgh—W. R. Heaton, of the Penn Theater in Pennsboro, W. Va., is building a new 300-seat house in Cairo, W. Va., which is expected to open Oct. 1.

REDUCED BUILDING COSTS

Attainable Via

By JOHN EBL

THAT the smaller theaters of tomorrow can be standardized, was the opinion advanced in the previous article of this series. But, as explained heretofore, we do not mean complete standardization such as is employed when a housing development is reared of identical units occupying a fixed plot measurement.

Film theater standardization cannot possibly be carried on under such a repetitious scheme. But there is much that can be done with certain components of 600 to 700-seat film houses to cut costs of construction and equipment, i.e. provide these components on a mass basis.

* * *

IT being highly unlikely that extreme examples of cubic foot content distribution would prevail in the case of 600 to 700-seaters, it is safe to assume that millwork, hardware, display frames, marquees, signs, lighting fixtures, seats and carpeting would, or could be made to, fall under the general heading of standardization.

Additionally, one might well add the items of air conditioning systems and their accessories,—motors, fans, diffusers, grilles.

Many items of furnishings, together with screens and projection machines, plus booth equipment, ticket vending devices and ticket takers are also categorical in the standardization scheme.

One could go on mentioning numerous other necessities, in the brackets of both equipment and decoration, and also in actual construction material, which could be "yard-sticked."

* * *

THE point is that costs could be spread over a large number of orders if avenues were opened for

Grimes Builds in Brazil

Brazil, Ind.—Sam Grimes is building a new 400-seat theater here, to be called the Cine. The Stanley Theater Equipment Co. is handling the job.

MENT

STUDIOS

- FURNISHINGS
- CARPETING
- SOUND SYSTEMS

ING COSTS

standardization

ON, Architect

those orders to come from a number of existing circuits, individual exhibitors contemplating expansion, and prospective theater operators. A widespread revival of new, small theater construction would assuredly be an incentive to many manufacturers of equipment to make up stock on the understanding that it would be subject to repeat orders.

An economy, too, would lie in the fact that, with practical and successful standardization, time for preparing plans and specifications would be shortened. It would be the function of the practical architect to prepare basic details and designs.

SPEAKING of standardization, I have often wondered why some of more progressive, growing circuits have not followed the example of certain other businesses having a number of branches. The latter successfully standardize appearances of their facades. Such similarity in appearance carries an institutional note, quick to be recognized by today's highly migratory public. Practice is good merchandising. It says: "This business is conducted by the same company as that which operates in your home town. You are served well there; you will be served just as well here." The message is transmitted via the eye.

There is a great circuit of film houses in England, whose virtually every house is named "Odeon." It is good standardization,—merchandising via word-and-ear.

Indeed, there are multi-advantages to be derived through standardization in the theaters of the future, without theaters sacrificing too markedly the intriguing element of individuality.

Theater at Dam Site

Denver — A new theater to be called the Green Mountain, is being opened by the WEM Amusement Co. at the Green Mountain Dam, a Government project in Colorado.

GULF STATE TOWNS GET 3 NEW THEATERS

New Orleans — The Gulf States will see at least three new houses open in widely scattered directions during the next quarter, Film Row sources said today.

At Milton, Fla., J. R. Green plans a small house. Alec Gounares' 1,000-seater, a neighborhood house located at Five Points in Mobile, is already under construction and should be ready within 90 days, according to Gounares.

At Cutoff, John L. Guedry is building a 500-seater which should be ready within 60 days. Guedry will book through the Willis Houck circuit.

W. A. Hendricks is remodeling his theater at Monroeville, Ala., and is building a new front of glass bricks.

Joseph Campau Planning New Detroit Pix House

Detroit—A new theater is planned for Joseph Campau near Yemens Ave., Saul Sloan, one of the city's most active builders, disclosed. Sloan has changed the name of his company from the United Motion Theaters Co. to the Detroit Theater Co., he disclosed. Two architects are now preparing plans on his projected Alpine and Television Theaters, to be 3,000 and 4,000 seats, respectively. Operating arrangements for the projected theaters remained undisclosed.

Rebuild In Bentleyville

Pittsburgh—The old Liberty Theater in Bentleyville, which has been closed for the past 10 years, has been taken over by Matt Faenza, who operates the Roosevelt Theater in this town and in Republic. The Liberty will practically be rebuilt. It is expected to be ready for opening by the end of September.

Altec and DSE in Pact

An agreement covering the reciprocal interchange of technical information pertaining to sound reproducing and other theater equipment and servicing techniques, has just been signed, according to a joint announcement made by G. L. Carrington, vice-president and general manager of Altec, and F. E. Peters, general manager, Dominion Sound Equipments, Ltd., of Montreal.

Rappolds Will Build

Columbus, O. — George and John Rappold, operators of the Innis Theater, have announced plans for a new house on the southside. Construction work, estimated at \$20,000, is to start at once. Hypp J. Dauben is the architect for the 600-theater, and James F. Adams, contractor.

Garage Into Theater

Denver—Fox Intermountain is adding another house at Longmont. To seat about 800, the theater is being remodeled from an old garage into a modern show house.

Simplex Sound Ordered For Rosiclare Theater

Rosiclare, Ill.—The Capitol Theater, a 200-seat house operated by Mrs. W. E. Dimick, has been sold to the Egyptian Amusement Co. of Harrisburg, which owns and operates about a dozen other theaters in various parts of the Southern Illinois section known as Little Egypt. The new owners are remodeling the theater completely and have contracted with the National Theater Supply Co., St. Louis, for a new 4-star sound system (Simplex), new Alexander Smith carpets, a cooling system and miscellaneous other equipment.

Sign Order to Long Co.

Detroit—Victor Petriks and John Tatu are completing remodeling of the Casino Theater front, including new modernistic trim throughout, and new marquee and sign installed by E. A. Long Sign Co.

LIGHTWEIGHT HEARING AID PUT OUT BY MYERS

Chicago—E. A. Myers & Sons has developed a hearing aid that weighs less than 11 ounces for the hard of hearing.

The new aid is made almost entirely from aluminum and molded plastics. The microphone is mounted in a die-cast aluminum housing and weighs a little more than one ounce. The pickup parts are made from the same material, including the diaphragm, intensity switch and the clothes clamp. Two switches enable the user to adjust the microphone to either low or high sounds and to compensate for battery voltage fluctuations. Three small flashlight batteries supply the power.

Fourth Danville House

Danville, Va.—Charles Abercrombie, general manager, Danville Enterprises Corp., operators of the Capitol, Rialto and Broadway, has announced that his company will start construction of a new theater to be completed by Jan. 1.



"THEY SHALL HAVE MUSIC"

You'll hear the sweet music of extra coins tinkling in the box office till if you give them Alexander Smith Carpet as well . . . one reason why you'll find this famous carpet in most of the country's successful theatres.

ALEXANDER SMITH CARPET

NEW FAVORITES

EASTMAN'S three great new films back up their special characteristics with typical Eastman reliability and uniformity. Worthy successors to earlier Eastman emulsions, they are the new raw-film favorites of the motion picture industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

No Product Shortage from War; English Houses Closed

DO NOT REMOVE (See Column 2 below)

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 45

NEW YORK, TUESDAY, SEPTEMBER 5, 1939

TEN CENTS

Strike Averted by Last Minute AAAA-IATSE Agreement D OF J EQUITY MOVE ASKS ANSWERS TO 67 QUESTIONS Chi. Business Improving; Closed Houses Reopening

Indie Houses Trying First Runs; Newsreel Theater to be Opened

By JOSEPH ESLER

Chicago — During the past few weeks, improvement is shown in Loop theater business. The RKO Palace, closed for the first time since its opening 12 years ago, has reopened; the B & K United Artists, closed for a few weeks due to a shortage of product, is now in the midst of its delayed run of the "Wizard of Oz" and reports are current that the legit. Erlanger Theater will be turned into a popular price
(Continued on Page 5)

W. VIRGINIA MANAGERS NOW UNIT OF MPTOA

White Sulphur Springs, W. Va.—Fifth annual convention of West Virginia Theater Managers Association voted unanimously in favor of becoming a member of the MPTOA here last week, with 90 per cent of the membership present when affiliation vote was taken.

It was also resolved that all dis-
(Continued on Page 3)

381 Day-and-Date Showings For Warners' "The Old Maid"

Warner Bros. begins its new season auspiciously with 381 simultaneous engagements this week on "The
(Continued on Page 3)

WAR WILL NOT STOP PRODUCT

Producers Will Keep to
Present Schedules

West Coast Bureau of THE FILM DAILY
Hollywood—Consensus of opinion among producers is that pictures now in production will not have their schedules affected or any changes

London (By Radio)—British Government, in its War Orders Sunday, ordered all places of amusement, including cinemas, closed until further notice, although, it was said, it may be possible to open some of the theaters in the near future.

London (By Cable) (Passed by Censor)—British film industry is on a wartime footing, with Wardour St., center of the local industry, evacuated. Playdates have been suspended, under the terms of a joint CEA-KRS agreement. A central film depot has been established.

made in budgets because of the European war situation. Executives
(Continued on Page 6)

Eleven Features Will Go Into Production This Week

West Coast Bureau of THE FILM DAILY
Hollywood—Eleven new pictures are scheduled to go into work this week. Included in present plan are:
(Continued on Page 4)

AFA Disolved; Miss Tucker Reinstated; Unions Agree Not to Invade Territories

200 TMAT Treasurers Bolt; Browne Gives IATSE Charter

Further complications clouded the union battlefields Friday when some 200 or more treasurers of the Theatrical Managers, Agents and Treasurers union bolted the TMAT and
(Continued on Page 4)

Information Demanded Includes Queries on History, Production, Distribution, and Exhibition; Must Itemize Product Data Since 1919

While New York's Film Row watched tensely on Friday the ominous developments in Europe, the D of J filed in Federal Court here a list of 67 questions which covered thoroughly the history, organization and activities in the production, distribution, and exhibition fields on the part of all the corporate defendants in the Government's New York equity action.

400 RESERVATIONS FOR JERSEY ALLIED CONFAB

Allied of New Jersey's leaders says that over 400 reservations have been received by the organization for its 20th annual convention opening tomorrow in the Ritz Carlton Hotel, Atlantic City, and that this assures the largest such conclave in body's history.

Total already reached includes all
(Continued on Page 3)

Announce Canada's National Film Board Membership

Montreal—Composition of the National Film Board is announced by Hon. W. D. Euler, Minister of Trade and Commerce. It consists of three members of the civil service and
(Continued on Page 5)

The interrogatories require separate answers by each of the defendants but did not specify a specific date for answers to be filed. Each company must file its answers regardless of its affiliations with other defendants named, the demand stated.

Interrogatories were divided into classifications of organization, production, distribution, exhibition and
(Continued on Page 8)

DEFENDANTS DENY ALL MOMAND ALLEGATIONS

Oklahoma City—Defendants in the A. B. Momand suits in Federal Court here have filed their answers to Momand's amended complaint. Griffith
(Continued on Page 8)

West Coast Contempt Action Hearing Scheduled Oct. 16

West Coast Bureau of THE FILM DAILY
Hollywood — Criminal Contempt action filed by the D. of J. against Coast majors last week, is scheduled to be heard before U. S. District
(Continued on Page 8)

Making Propagandas

Alexander Korda has dropped production plans for "Manon Lescaut" and is now making propaganda pictures for the British Government. Hal Rosson reported yesterday on debarking from the Queen Mary. Rosson said most other British producers are engaged in the same work. H. M. Warner, Dan Carroll, and Bob Hope were others on the Queen Mary when she docked with a record passenger list.

Big Broadway Biz

Broadway houses last night reported that the Labor Day business done in all cases exceeded last year's business, and, in many cases was the best Labor Day on record. Managers of the Paramount, Roxy, Capitol, Music Hall and Strand were enthusiastic over SRO business and long lines of waiting patrons.

THE Film DAILY

ALL THE NEWS
ALL THE TIME

Vol. 76, No. 45 Tues., Sept. 5, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)
NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	10 1/8	10	10 1/8	+ 1/8
Col. Picts. vtc. (2 1/2%)	8	6 5/8	8	+ 1/2
Columbia Picts. pfd.				
Con. Fm. Ind.	1	1	1	
Con. Fm. Ind. pfd.	8 1/2	8 1/4	8 1/2	- 1/2
East. Kodak	159	155 1/2	159	- 5 1/2
do pfd.				
Gen. Th. Eq.	9 1/4	9 1/4	9 1/4	- 1/4
Loew's, Inc.	37	34	35 5/8	- 3/8
do pfd.				
Paramount	7 1/2	6 3/4	7 1/4	- 5/8
Paramount 1st pfd.	87	81	81	- 6 1/2
Paramount 2nd pfd.	8 7/8	8 1/4	8 1/4	- 1 1/4
Pathe Film	9	8 1/4	9	- 1/2
RKO	15 1/2	15 1/2	15 1/2	- 1/4
20th Cent.-Fox	16 1/8	14 1/8	15	- 2
20th Cent.-Fox pfd.	27	26	26	- 2 5/8
Univ. Pict. pfd.	60	57 1/2	57 1/2	+ 2 1/2
Warner Bros.	4 1/8	3 7/8	4	
do pfd.	46	45	45	- 5

NEW YORK BOND MARKET

Keith B. F. ref. 6s 46	99 1/2	99 1/2	- 3/8
Loew's deb. 3 1/2s 46	102 1/2	99 7/8	100 1/4 - 1 3/4
Par. B'way 3s55			
Par. Picts. 6s 55			
Par. Picts. cv. 3 1/4s 47	88 1/8	87	87 - 1
RKO 6s41	65	65	65 - 2
Warner Bros. cv. 6s39			
Warner Bros. dbs. 6s48	83	83	83 - 2

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.	1 1/4	1 1/4	1 1/4 - 1/8
Technicolor	13	12 1/4	13 - 1/4
Trans-Lux	1 1/4	1 1/8	1 1/4 - 1/8
Universal Corp. vtc.	3 1/2	3 3/8	3 3/8 - 3/8
Universal Picts.			

N. Y. OVER-THE-COUNTER STOCK MARKET

	Bid	Asked
Pathe Film 7 pfd.		
Fox Thea. Office Bldg. 1st	46	3 1/8 5
Loew's Thea. Realty 6s 1st	47	
Met. Playhouse, Inc. 2nd deb.	45	68 71
Roxy Thea. Bldg. 4s 1st	57	62 3/4 65

Mrs. Crandall Funeral Sat.

Funeral services were held Saturday morning for Mrs. Catherine Ellen Crandall, widow of the late Harry M. Crandall.

Services were held at her late residence Saturday morning, followed by Solemn High Requiem Mass at the Shrine of the Sacred Heart. Interment was in Mt. Olivet Cemetery.

The Broadway Parade

Picture and Distributor

Theater

Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—17th week.	Astor
The Old Maid (Warner Bros. Pictures)—4th week.	Strand
The Wizard of Oz (Metro-Goldwyn-Mayer)—3rd week.	Capitol
The Under-Pup (Universal Pictures)	Rivoli
Fifth Avenue Girl (RKO Radio Pictures)—2nd week.	Music Hall
The Star Maker (Paramount Pictures)	Paramount
The Adventures of Sherlock Holmes (20th Century-Fox)	Roxy
These Glamor Girls (Metro-Goldwyn-Mayer)	Criterion
Angels Wash Their Faces (Warner Bros. Pictures)	Globe
The Girl from Rio (Monogram Pictures) (a)	Central
Fighting Renegade (Principal Pictures) (a)	Central
The Mummy (Universal Pictures) (a-d)	Rialto
The Raven (Universal Pictures) (a-d)	Rialto
In Name Only (RKO Radio Pictures) (a-b)	Palace
Charlie Chan at Treasure Island (20th Century-Fox) (a)	Palace

FOREIGN LANGUAGE FEATURES

The Conquests of Peter the Great (Amkino)—2nd week.	Cameo
Song of the Streets (Mayer-Burstyn)	55th St. Playhouse
Heartbeat (French Motion Picture Co.)	Little Carnegie

FUTURE OPENINGS

Tropic Fury (Universal Pictures)—Sept. 5.	Rialto
The Lady of the Tropics (Metro-Goldwyn-Mayer)—Sept. 6.	Capitol
Golden Boy (Columbia Pictures)—Sept. 7.	Music Hall
Flight at Midnight (Republic Pictures)—Sept. 7.	Criterion
Dust Be My Destiny (Warner Bros. Pictures)—Sept. 8.	Strand
The End of the Day (Juno Films)—Sept. 11.	Filmarte
The Real Glory (United Artists-Goldwyn)—(c)	Rivoli
Honeymoon in Bali (Paramount Pictures)—Sept. 20.	Paramount
The Rains Came (20th Century-Fox) (c)	Roxy
New Frontier (Republic Pictures)—Sept. 8 (a)	Central
Midnight Menace (Film Alliance)—Sept. 8 (a)	Central
Stanley and Livingstone (20th Century-Fox) (a-b)—Sept. 7.	Palace
Stop, Look and Love (20th Century-Fox)—Sept. 7 (a)	Palace
Harvest (French Cinema Corporation)—Sept. 14.	World

(a) Dual bill. (b) Subsequent run. (c) Follows current bill. (d) Revival.

Leichter Closes "Sudan" Deals With Five Exchanges

Mitch Leichter has now sold rights to "Sudan" to five distributors, covering a number of territories. In addition to the recently announced deal with Ed Hudson and Jesse Jones of Feature, St. Louis, Milwaukee, Texas, Oklahoma, California, Nevada, Arizona, New Mexico, Hawaiian Islands, Alaska, and nine Southern states.

Jack Adams has the Texas and Oklahoma rights; Majestic Film Exchange, Los Angeles, has California, Nevada, Arizona, New Mexico, Hawaiian Islands, and Alaska; Tom Branon, Atlanta, has the nine Southern states rights.

Republic Venezuelan Rep. Coming for H. O. Confabs

Luis Enrique Perez, Republic Venezuelan distributor, who arrived in New York Thursday from Caracas, will hold general discussions with Morris Goodman, vice-president in charge of foreign distribution.

Perez, who will stay here about two weeks, will arrange for extensive advertising and exploitation on "Man of Conquest," which will be opened at the Ayacucho Theater, Caracas, in October.

Para. Claims News Scoop

Paramount News claims a scoop in the showing of European mobilization scenes in Paris and London, at the Paramount and Embassy Newsreel theaters Friday—40 hours after being photographed. Scenes came to this country via American Clipper.

Warners Australian Confab. Will be Held September 11

Ralph Clark, general manager for Warner Bros. in Australia and New Zealand, having just returned to Sydney after several months in the U. S., has dates for the Australian sales convention to announce the 1939-40 product and establish sales policies.

Managers and salesmen from branches in Melbourne, Adelaide, Perth, Brisbane and Wellington, N. Z. will convene in Sydney for sessions during the week starting September 11.

Confer with Chi. Stagehands

Chicago—Frank Olson, business agent of the Chicago Stagehands' Union met with theater executives over the week-end to work out a satisfactory solution of the Chicago stage situation. Johnnie Jones, Oriental Theater director, says Stroud Twins have concluded their engagement and he expects no union trouble.

Western "Rains" Premiere

Western premiere of 20th-Fox's "The Rains Came" is scheduled for Saturday at the Ohio Theater, Mansfield. Showing will be in honor of Louis Bromfield, author of the story.

"Flight" at Criterion

Republic's "Flight at Midnight" opens at the Criterion Thursday, replacing "Payment Deferred," which is put back a week.

"Dust" for Strand

"Dust Be My Destiny," Warner film co-starring John Garfield and Priscilla Lane, will open Friday at the Strand.

COMING AND GOING

WILL HAYS has arrived in Hollywood from New York.

HERMAN WOBBER, 20th-Fox sales chieftain has returned to New York.

ARTHUR LOEW, vice-president and foreign chieftain of Metro, is due back from the Coast.

JAMES R. GRAINGER, Republic press and general manager of distribution, is scheduled to arrive in New York today after a swing out the country.

ADOLPH ZUKOR and JOHN W. HICKS, JR. arrived on the Coast yesterday from Australia.

STANTON GRIFFIS, Paramount executive board chairman, is in Southern France.

CHARLES OLAJOS, Erpi treasurer, has arrived in Hollywood for a vacation.

KEN WHITMORE, Warner publicist, returned to the Coast yesterday.

CARL SPELLMAN, Oakland, Ind., exhib., and NORMA PUHLMAN, of the Paramount exchange in Milwaukee, were visitors this week at the Paramount World's Fair Lounge.

TEX RITTER is here from the Coast.

NORMAN REILLY RAINE, writer, has arrived from Hollywood for a vacation here.

DR. RUDOLPH LISZT, make-up expert, returned to New York at the week-end from Porto Rico.

DOUGLAS FAIRBANKS is at the Waldorf.

HAROLD DUNN, supervisor for Warners in the Far East, has arrived in Tokio.

JAMES ROOSEVELT has arrived for a visit with his family.

JAMES STEWART has returned to the Coast.

RUSSELL MUTH is at the Waldorf.

ALLEN JENKINS flew to the Coast Friday night via United Airlines.

MAX C. BATSEL, RCA Photophone chief engineer, has returned to the company's Camden plant following a tour through the mid-west.

L. J. MGINELY was at the Universal Studios last week.

GEORGE RAFT left for the Coast yesterday.

Warren County Bans Bingo

Hackettstown, N. J.—Prosecutor Cook of Warren County joined the growing list of North Jersey prosecutors placing bans on Bingo. He announced late last week that he is preparing a general order to all police in the county defining what he considers gambling. Attempt of an out-of-town group to open a Bingo parlor met with raid threat from Cook.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 5
Doris Kenyon
Sam Sax
Jerry Safran
Clive Adams
Amos Hiatt

400 RESERVATIONS FOR JERSEY ALLIED CONFAB

(Continued from Page 1)

important national leaders of Allied and representatives from all major company exchanges in both New York and Philadelphia.

While certain specific topics have been announced for action at the gathering, such as duals elimination, forcing of shorts and features, problems attending giveaways, and buying, it is privately admitted that other matters of importance to the industry at large loom for consideration. National leaders, it is virtually certain, will make "certain recommendations" during the three-day meeting.

"Warning" Bookings Up

Current war scare has upped the bookings on Alliance's three-reeler, "The Warning." Film has been booked for first-runs at the Grand, Albany, State, Schenectady, Century, Buffalo and at several other Basil-Dipson houses in the Buffalo territory. First-runs have also been set for theaters in Seattle and Dallas.

Chicago Triples Down to Nine

Chicago—Checkup over the week-end, showed an increase in triple shows to nine, while houses using premiums dropped to 14. The Lane Court was giving away dinnerware, while the Biograph gave the folks glasses with each lady admitted.

381 Day-and-Date Showings For Warners "The Old Maid"

(Continued from Page 1)

Old Maid," initial release on the 1939-40 schedule.

In over 25 special pre-release showings during the past two weeks "The Old Maid" played to record business, surpassing in each situation the high grosses of "Dark Victory," previous Bette Davis starrer.

Lift Louis King Option

West Coast Bureau of THE FILM DAILY
Hollywood—Louis King, now directing Dorothy Lamour in "Typhoon" at Paramount, has had his option lifted for another year. This will be King's third year with Paramount.

"Rains Came" at Roxy Friday

"The Rains Came," 20th-Fox, will have its world premiere at the Roxy beginning Friday.

Providence Albee Back in N. Y. Dist. With New Mgr.

Providence — RKO-Albee goes back to the New York district lists again this week when Michael J. Kavanagh arrives here to become resident manager of the house. Kavanagh comes from Cincinnati, where he managed the Paramount prior to that house's closing. He was identified with a number of New York theaters from 1920 to 1926 and from 1927 to 1930 was associated with United Artists in theaters in the Detroit area. William J. McCourt, who has been acting as manager of Albee, goes back to Memorial, Boston.

Bill Cody, Jr. Signed

West Coast Bureau of THE FILM DAILY
Hollywood — Bill Cody, Jr., has been signed by William G. Smith of Jewel Productions to appear in a series of youth adventure stories based on a series appearing in the Street & Smith publications. Production will begin in September.

W. VIRGINIA MANAGERS NOW UNIT OF MPTOA

(Continued from Page 1)

tributors immediately be asked to adopt, and put into effect immediately, the trade practice code, regardless of present sales policies and declarations of adoption of certain parts of the proposed code.

Convention also condemned the Neely Bill in a resolution. All officers were re-elected with slate comprising: S. J. Hyman, president; William H. Holt, secretary and treasurer, and Dr. C. P. Church, N. E. Carskaten, George Talbott, L. E. Rodgers, Mrs. P. M. Thomas, and R. W. Phelan, vice-presidents.

Meeting, which was held at the Greenbrier Hotel, was addressed by Ed Kuykendall, national prexy of the MPTOA; Governor Homer A. Holt, West Virginia, and executives of several distributing companies and representatives of various Pittsburgh exchanges.

"Streets" at 55th Street

"Song of the Streets," released by Mayer & Burstyn, opened at the 55th St. Playhouse yesterday, inaugurating the new French film season.



Should HE divorce his wife....
or was this new romance merely an
INTERMEZZO?

ELEVEN FEATURES TO BE STARTED THIS WEEK

(Continued from Page 1)

At Columbia, "Renegade Law" starring Charles Starrett; at Paramount: "Campus Wives" with Jean Cagney and Joseph Allen. "The Farmer's Daughter" with Martha Raye, Charles Ruggles and Joseph Allen. "Strange Money" (tentative title) features Ellen Drew.

At Universal: "Destry Rides Again" co-starring Marlene Dietrich and James Stewart with Charles Winninger, Mischa Auer and Brian Donlevy; at 20th Century-Fox: "The Bluebird" starring Shirley Temple with Nancy Kelly and Nigel Bruce.

At Warners: "Uncle Sam Awakens" featuring Ronald Reagan. "Invisible Stripes" starring George Raft with Humphrey Bogart, Jane Bryan and William Holden; at Republic: "Abraham Lincoln Boggs" with Edward Ellis and Anita Louise. "Jeepers, Creepers" with Roy Rogers, Weaver Bros. and Elvira.

At Selznick Int.: "Rebecca," the cast is headed by Laurence Olivier, and to date includes Judith Anderson, Reginald Denny, George Sanders, Nigel Bruce and Florence Bates.

200 TMAT Treasurers Bolt; Browne Gives IATSE Charter

(Continued from Page 1)

obtained a charter from George E. Browne, IATSE prexy.

The TMAT immediately took retaliatory action when the treasurers bolt became known, and suspended all treasurer members in the union "until traitors in the union can be ferreted out." Executives of the TMAT asserted that the estimated number of treasurers bolting the union was exaggerated, but Walter O'Connor, spokesman for the group, claimed that the members who had left numbered well over 200.

Action was taken by the AAAA immediately when Browne's action became known, with an offer of their "wholehearted support" being sent to the TMAT. AAAA was reported to be concerned over the latest move by Browne as this considerably strengthens his hold in the theatrical field.

Move is also under way in the TMAT ranks for complete affiliation with the IATSE, with the motion picture division of the union strongly favoring this action.

82 Per Cent of Irish Film Imports Are From the U. S.

Dublin (By Cable)—Of a total of 1,506 films imported into Ireland during 1938, it is reported that 82 per cent were American-made pictures. Imports from Britain were 17 per cent, the remaining one per cent being made up of one French and three German productions.

Ireland has some 200 film theaters with a seating capacity estimated at 120,000. The country has but two producing companies.

ALONG THE



WITH PHIL M. DALY

● ● ● HERE we go again.....with that Atlantic City Beauty Pageant for the selection of Miss America 1939.....and for the umpteenth consecutive year that past-master in feminine pulchritude.....our own Vincent Trotta, Paramount Art Director.....will be one of the judges.....no Atlantic City beauty pageant is complete without Vince sitting there on the judges' bench looking 'em over with a critical but kindly eye.....also on the judging committee will be Vyvyan Donner, the Fox Newsreel style commentator.....she useter be Vince's sec, and that's where she formed this beauty-style habit.....

● ● ● DID you hear the story about the two publicity men from a major producing outfit who took a certain trade paper mug to luncheon.....at a Ritzy Restaurant.....and they ordered rich foods regardless of Expense.....and when they came to pay the check, their combined finances fell short of the required amount.....and the trade paper mug had to make up the Deficit?.....now the kick to this little tale is in the fact that the honored guest who helped to pay for his swell lunch is a Scotchman.....and he thanked his two hosts Profusely for their fine hospitality.....being Scotch, he naturally is impressed by anything that COSTS him something.....

● ● ● GENTS in the Film Biz At Work In Their Shirt Sleeves.....that about typifies the present executive control in Universal.....men like Nate Blumberg, Cliff Work, Milton Feld, Matty Fox.....all former exhibitors.....now catering to the demands and requirements of exhibitors.....and now with the announcement from William Scully, general sales manager, that the company will deliver the new Durbin pic "First Love" under the 1938-39 contract, although under no obligation to do so.....the home office is being flooded with letters and wires from showmen everywhere.....the Exhibitor is a funny person.....he can squawk like hell over trifles.....but he is Human...if you give him a Break, he can be Very Appreciative.....that's why Universal is rapidly becoming tied up with the slogan: "The Exhibitors' Company."

● ● ● JUBILEE Dinner of the Variety Club of Philly takes place at the Hotel Traymore in Atlantic City today.....Mortimer Lewis of the Variety Club and Frank P. Gravatt, prexy of the Steel Pier Company, are Kings-for-a-Day.....the girls competing for the title of Miss America will be presented with keys to the city by Mayor White.....Rudy Vallee will be toast-master.....

● ● ● LUNCHEON tendered to Russell "Ding" Bell last Friday.....as a farewell gesture to Monogram's art chief.....prior to his departure for the company's studios on the Coast, where he will make his headquarters.....Russ has been with Monogram ever since its inception.....among the guests at the luncheon were W. Ray Johnston, Eddie Golden, Norton Richey, Louis Lifton.....

● ● ● AT the conference of the Williamstown Institute of Human Relations at Williamstown, Mass. there developed an interesting forum discussion on motion pictures.....with Dr. Frank Kingdon, prexy of the University of Newark, stating that "it is deplorable that this potent and eloquent medium of propaganda is almost exclusively devoted to 'boy-meets-girl' themes".....Howard Dietz defended the industry as "a genuine expression of democracy".....and "a broad propaganda for the American dream, which has become more precious than ever in view of those forces about us that would make that dream a nightmare".....the conference served as the world premiere of Warners' feature short, "The Bill of Rights," accompanied by a Coast-to-Coast hookup with a two-way talk between Hollywood and Williamstown.....

PARA. CARAVAN TO BOOST 'RULERS OF SEA'

Paramount formally announced on Friday that its "Hollywood Rulers of the Sea Caravan," sponsored by the studio, will leave Los Angeles on Sept. 13 for a scheduled 8,500-mile tour of the U. S. to create nationwide interest, as an exhibit, in company's forthcoming action, "Rulers of the Sea."

Caravan will consist of a three-masted clipper ship 67 feet long and mounted on a truck and trailer; a second ship, replica of the first steam vessel to cross the Atlantic, 57 feet long and truck and trailer mounted; two special de luxe buses which will carry film players and their guests from city to city; a five-ton supply truck; an advance truck carrying two-way radio apparatus for communication with the main caravan; and two sedans.

During the six-week tour, calling for visits to more than 500 towns and cities, ceremonies will be held in co-operation with municipal officials. The ships, actually seaworthy, will make part of the trip under their own sail or power on inland waterways.

Included in the caravan's itinerary are Salt Lake City, Denver, Omaha, Kansas City, St. Louis, Des Moines, Minneapolis, St. Paul, Milwaukee, Chicago, Detroit, Toledo, Cleveland, Rochester, Pittsburgh, Wheeling, Memphis, Baton Rouge, New Orleans, Houston, Galveston, Dallas, Fort Worth, El Paso, Douglas and Tucson.

World Film Festival Scheme Being Planned for Britain

London (By Cable)—Plans are being laid for a world film festival to be held annually in Britain. Oliver Bell, director of the British Film Institute, has stated that his organization will participate in such an exposition.

Government support will be sought and, if forthcoming, outstanding features from all parts of the world would be screened at the festival.

Lower Detroit Admissions

Detroit—United Detroit Theaters has cut admission prices at the Michigan and United Artists, first-run houses, from 65 to 55 cents for nights, 40 to 35 cents up to 6:30 p.m., and 50 to 40 cents for Saturdays up to 5:00 p.m., and Sundays up to 1:00 p.m. Palms-State has been dropped, but with a 50-cent top. The Fox, opposition house, made similar cuts in June.

No move toward a general price break is anticipated, as the move does not appear to affect the second-runs.

Wog Moved to Denver

Denver—Ollie Wog, film salesman, with Universal in Los Angeles, has been transferred to the Denver territory, where he succeeds Carl Mock, who has been moved to Indianapolis.

CHI. BIZ IMPROVING; THEATERS REOPENING

(Continued from Page 1)

film house for the Fall and Winter season.

Independent houses, like the Clark of the Trinz circuit, the Woods of the Essaness circuit, the Oriental of the Jones, Linick & Schaefer group had a few first-runs with good results on the whole.

Late this Fall, the Loop will have the premiere of its first exclusive newsreel theater, which is now going up in the new two-story Capital building at State and Randolph Sts. This modernistic house will be right next door to the ace B & K Chicago and will help brighten up that corner of the Loop.

First showings of new season product, like "Stanley and Livingstone," "Wizard of Oz" and other important films are bringing in satisfactory business, according to the theater executives.

The de luxe neighborhood theaters of the various circuits are beginning to show a little life. As cooler weather approaches, the desire for beach parties, band concerts, night baseball, prizefights and other outdoor attractions is expected to lessen and patrons should turn their thoughts toward inside attractions.

Balaban & Katz are trying premiere showing of first-run films in several of their larger outlying houses, starting with "Frontier Marshal" last week at the Uptown on the North Side, the Tivoli on the South Side and the Marbro on the West Side. They also used the Riviera on the North Side for a first-run showing of Warners' "Indianapolis Speedway." Whether this plan will be continued depends on results of these first showings.

Double features remain the rule, with plenty of premiums in the neighborhood houses, but as yet premiums have not reached the Loop or the fashionable North Shore community theaters.

Triple feature programs seem to be on the way out; fewer houses are using these long programs as evidently they do not pay. The Rosewood, a small independent house, still continues its four feature program.

While the smaller houses in the Loop use double features along with the Woods of the Essaness circuit and the Oriental and McVicker's of the JLS circuit, the first-run houses of B & K, the Orpheum and the Esquire theater of the Harry Balaban circuit are sticking to singles with plenty of shorts.

Great States circuit, B & K subsidiary, and operators outside Chicago, are sticking to single feature bills. The Indiana and Illinois circuit under Jack Rose and Alex Manta management, report single feature programs will continue to be their mainstay. Last week, they opened their first Chicago theater, the Lexington, seating 750, which they took over from Warners. Rose says they spent more than \$40,000

THE WEEK IN REVIEW

4A-1A War Looms This Week—Brit. Production at Standstill

By GEORGE H. MORRIS

DOMESTIC

LABOR DUEL: As the week waned open warfare 'twixt the AAAA and the IATSE seemed certain as all efforts to settle their jurisdictional disputes had failed. Strikes by both sides were threatened, and producers and New York theaters were gravely concerned that a nation-wide tie-up of the entire entertainment industry might result. However, possibility of Government intervention or direct mediation by the producers loomed.

LEGAL FRONT: Mid-week saw D of J bring criminal contempt proceedings against majors on the Coast for alleged violation of consent decree entered into between the Government and the majors in 1930. Action was instituted by Thurman Arnold, Anti-Trust Division head, with approval of Attorney General Frank Murphy. Earlier in the seven-day span, UA asked dismissal of the Government's N. Y. equity suit, and in the answer filed by the company in Federal Court denied major portion of the Government's allegations.

TRADE PRACTICES: While all was quiet on the Code front, ITOA, following a meeting on Wednesday, dispatched a letter to heads of the seven majors asking them to follow Warners' lead and incorporate in their new season license agreements a general arbitration clause. ITOA also urged on the majors the immediate application of the Trade Practice Code.

BUSINESS: Hollywood reported,

following a survey of studios, that 90 pictures have been completed by the majors and top indies on their 1939-40 lineups, guaranteeing a steady flow of product to exhibs. Universal announced that the current Exhibitor-Sponsored Testimonial Drive had upped company revenue by \$75,000 weekly over normal. Drive of three months' duration has been under way for four weeks. N. J. Allied's 20th annual convention, opening in Atlantic City tomorrow, is to have as its chief topic the question of duals elimination in the State. Other reform measures will be taken. Warners' circuit sales were declared at 78 per cent of possibilities. Pittsburgh checked in with word that extended runs hit new high there.

WAR PREPARATIONS: U. S. newsreel companies completed plans for full coverage of hostilities, staffs being brought to full strength.

FOREIGN

PRODUCTION: London cables on Wednesday, prior to the outbreak of fighting between Nazi and Polish forces, said that British film studio production plans were at a standstill, and that it is difficult to foresee how great the effect of war will be on the film industry there.

JAPANESE SITUATION: Washington sources expressed the view that there is not apt to be a revival of the expiring U. S.-Japan trade pact, but that, pursuant to the demise date in January next, a rapprochement might be sought which would involve films.

UDT Shifts Managers

Detroit—United Detroit Theaters is shifting house managers, following resignation of Roy Miller, manager of the Palms-State. Shift includes: Donald Kuhn, Riviera to Palms-State; Dow Thompson, Varsity to Riviera; Hyman Bloom, Annex to Varsity; Gil Green, Regent to Annex; and Frank Perry, assistant at United Artists, to manager of the Regent.

fixing the house up and will try out singles there, for the opener.

Film demand remains uncertain, patrons' tastes are as unstable as ever, some films which go over big in the Loop, fade away in the outlying houses.

About 20 of the smaller Chicago houses were closed during the Summer months and it is expected that most of these will be reopened after Labor Day. While many of the smaller exhibitors say business is bad, it is very hard to buy any of the houses, except at fancy prices.

Many of the smaller spots have been renovated during their closing and equipment dealers report many

Festival in Final Week

Second International Film Festival, at the Fifth Ave. Playhouse, went into its final week Saturday. On the program today is "Professor Mamlock," to be followed by "The Youth of Maxim," tomorrow; "The Childhood of Maxim Gorky," Thursday; "The New Gulliver," Friday; and "The Eternal Mask," Saturday and Sunday. "Modern Times" will also be shown Thursday and Friday.

inquiries for Fall installations of modern fixtures.

There have been several new theaters projected in the small spots, but most of them are still in the promotion stage and the plans are still on paper.

Bank nights and other cash giveaways are taboo, but down state in a few of the cities, the local authorities still permit different versions of the giveaways to operate. In Chicago, the corporation counsel tried to prevent "Doctor IQ" from finishing at the B & K Chicago, but the Grant Advertising Agency won out in the court.

MEMBERS OF CANADA'S NATIONAL FILM BOARD

(Continued from Page 1)

three from outside. Those from outside the civil service are: Prof. Walter C. Murray, Saskatoon, former president of the University of Saskatchewan and now president of the Canadian Film Co., and a member of the Board of directors of the National Film Society; Edmond Turcotte, former editor-in-chief of Le Canada, Montreal; C. G. Cowan of the British-American Bank Note Co., Ottawa, and vice-president of the National Film Society of Canada.

The civil service members are: J. G. Parmelee, Deputy Minister of Trade and Commerce; R. S. Hamer, general executive assistant of Department of Agriculture; Col. V. I. Smart, Deputy Minister of Transport. The first duty of the board will be the appointment of a government film commissioner who will be the chief executive officer of the organization.

Britain, U. S. to Trade Films for School Use

London (By Cable)—Co-operation for an exchange of British and American made documentary and instructional films for use in the schools of both countries has been worked out, according to Thomas Baird who recently returned from a trip to America. Theatrical distribution for British documentaries in the U. S. was also concluded, he stated.

Among British shorts attracting much attention in the U. S., Baird mentions several of the documentaries being shown at the New York World's Fair—such as activities of the post office, gas and oil industries, and the GBI "Secrets of Life" shown at the British Pavilion, and "The Londoners," "Wealth of a Nation," the nutrition, zoo and airways films being shown at the Science and Education building.

Staub Completes Musical

West Coast Bureau of THE FILM DAILY
Hollywood—Ralph Staub has just completed the direction of the second of Universal's Musical series, "Swing Hotel" which has Jerry Lester, Milton Charleston, the Three Rockets, Martha Mears (from Radio), the Three Screw Ball Sisters, and Duke Daly and his band in the cast. Staub also directed the first of the series which is titled "Boy Meets Joy" with Joy Hodges and Pinky Tomlin.

Schlesinger Ships First

West Coast Bureau of THE FILM DAILY
Hollywood—Leon Schlesinger is shipping to New York the first "Merrie Melody" and "Looney Tune" of the 1939-40 program. The "Merrie Melody" is entitled "Sioux Me," and the "Looney Tune," "Porky's Hotel." Schlesinger has 18 pictures in some phase of production.

STRIKE AVERTED BY LAST MINUTE PEACE

(Continued from Page 1)

this agreement was a sweeping victory for the actors unions as the IATSE recognized the complete jurisdiction of the 4 A's over all

West Coast Bur., THE FILM DAILY
Hollywood — Severe blow to the aspirations of the CIO sponsored United Studio Technicians Guild was seen here as a result of the AAAA-IATSE agreement. Guild which has been attempting to organize studio workers, now faces the combined IA-AAAA forces. The NLRB has ordered a jurisdictional vote in the near future.

actors in the entertainment field, and also agreed to revoke the charter they recently gave the AFA, with the members of the AFA to be absorbed by the newly created American Guild of Variety Artists.

No mention is made in the agreement of Ralph Whitehead, who, in the capacity of executive secretary of the AFA, had been the focal point in the bitter controversy. No comment was forthcoming from any of the interested organizations regarding Whitehead.

Following the announcement Sunday night by Frank Gillmore, AAAA prexy, which came as a complete and welcome surprise to approximately 5,000 actors who had met at the Astor to vote on a strike, Actors Equity immediately went into an emergency council session to lift the suspensions imposed on Sophie Tucker and Harry Richman, enabling Miss Tucker to open last night in the Broadway show "Leave It to Me." The Gillmore announcement was heralded by the overflow crowd with a deafening thunder of cheering and applause, as to a man, they had no inkling of what had transpired, and were expecting they would have to vote on a strike.

Whitehead tacitly acknowledged his defeat and urged all members of the liquidated AFA to join AGVA. A number of reports were prevalent as to the reasons behind the settlement. It was believed that the producers had put pressure on both organizations to reach an agreement at the behest of financial interests. Joseph M. Schenck, late Friday telephoned Browne, asking him to hold conferences with AAAA, and it is believed this call carried some weight in the decision.

Gillmore stated that, with a war in Europe, the people of the theater wanted to show that they could do their part for peace, and both organizations, particularly the IATSE, are known to have been working to prevent any possibility of a CIO invasion in the theatrical field.

George E. Browne, IA prexy, stated that in view of upset conditions in the theater industry, and the world generally, that this was not time for arguments within the industry, and expressed the opinion that the agreement would benefit all concerned.

REVIEWS OF NEW FILMS

"The Adventures of Sherlock Holmes"

with Basil Rathbone, Nigel Bruce, Ida Lupino

20th Century-Fox

82 Mins.

EXCELLENT PERFORMANCE OF THE GREAT SLEUTH BY BASIL RATHBONE.

Fine atmospheric production that catches admirably the spirit of the classic Sherlock Holmes tales of sleuthing. Basil Rathbone is admirable as the famous detective, and Nigel Bruce is perfect as his helper, Dr. Watson. This is the famous story of the return of the infamous Professor Moriarty, who has done away with the girl's father and brother, and now seeks the life of the girl herself. The happenings also involve the attempt of the clever international criminal to steal the crown jewels in the Tower of London. In this nefarious scheme he is thwarted by Holmes, who engages him in mortal combat after chasing him up the tower steps to the turret, where the criminal falls to his death. Fine suspense is maintained throughout, and lovers of the Conan Doyle classic detective stories will appreciate the fact that no attempt has been made to modernize the adventure. It is essentially as Doyle wrote it.

CAST: Basil Rathbone, Nigel Bruce, Ida Lupino, Alan Marshall, Terry Kilburn, George Zucco, Henry Stephenson, E. E. Clive, Arthur Hohl, May Beatty, Peter Willes, Mary Gordon, Holmes Herbert, George Regas, Leonard Mudie, Mary Forbes, Ivan Simpson, Frank Dawson, Eric Wilton, Brandon Hurst.

CREDITS: Producer, Gene Markey; Director, Alfred Werker; Based on William Gillette's play; Screenplay, Edwin Blum, William Drake.

DIRECTION, Very Good. PHOTOGRAPHY, Excellent.

Text of the agreement, dated Sept. 2, and signed by Ken Thompson for AAAA and John F. Gatelee for IATSE, is as follows:

1. In order to prevent a recurrence of the controversy now existing, the parties agree that the IATSE and the Four A's will enter into an agreement similar to that existing between the IATSE and the American Federation of Musicians. It is recognized that certain changes will have to be made to make the agreement applicable to the Four A's. Subject to the consent of the American Federation of Musicians, the Four A's will become a party to the agreement now existing between the IATSE and the American Federation of Musicians with whatever revisions may be necessary to make the agreement applicable to the Four A's.

2. The IATSE recognizes the jurisdiction of the Four A's as heretofore defined by convention action and decisions of the Executive Council of the American Federation of Labor. I.E. That the Four A's has jurisdiction over all performers in the amusement and entertainment world.

3. The IATSE will concurrently revoke the charter heretofore issued to the American Federation of Actors.

"Conspiracy"

with Allan Lane, Linda Hayes, Robert Barrat

RKO Radio

58 Mins.

WARTIME MELLER PACKS STRONG THRILLS AND SUSPENSE IN VAGUE STORY.

In line with the present war fever, this film tells a meller yarn concerning an American radio operator, Allan Lane who on discovering he is aboard a ship carrying contraband cargo, makes his escape when the ship reaches port in some foreign country. Then the militia and police are on his trail, to do away with him because he knows too much. But he meets up with Linda Hayes who is in the revolutionary party smuggling in the contraband. She befriends him, and gets him in touch with Barrat who is an American running a dance hall. After many adventures dodging certain death as the soldiers trail him around, they finally locate his hideout, and his benefactor is forced to flee with him to safety. There is a wild chase in a speedboat, and then the arrival of a flying boat mysteriously summoned from across the border, which takes them to safety. Then a sweet and sad parting with the girl, who decides to go back to join her fellow revolutionaries. It is all pretty well mixed up, hazy in plot motivation, and a jumble of causes. But the action is there, and also the thrills. Linda Hayes shows to advantage, and as a comparative newcomer looks as if she can develop into something really important, for she has looks, intelligence, charming manner and a good voice. Allan Lane has handled similar roles of late, and also shapes up as a young player with possibilities.

CAST: Allan Lane, Linda Hayes, Robert Barrat, Charley Foy, Lionel Royce, J. Farrell MacDonald, Lester Matthews, Henry Brandon, William Von Brincken.

CREDITS: Producer, Lee Marcus; Authors, John McCarthy, Faith Thomas; Screenplay, Jerome Chodorov; Cameraman, Frank Redman; Editor, George Hively.

DIRECTION, Good. PHOTOGRAPHY, Okay.

4. The IATSE will forthwith notify its locals all over the United States that the organization and the only organization having jurisdiction over variety performers is the American Guild of Variety Artists. And that such locals are to assist the American Guild of Variety Artists in every way, and that this assistance shall be mutual as between the IATSE and the American Guild of Variety Artists.

5. All contemplated strikes arising out of the controversy shall be withdrawn. All litigation between the parties hereto shall be dismissed.

6. The Four A's will cause all its branches to lift the suspensions of Sophie Tucker and Harry Richman.

7. Neither party in the future will invade the jurisdiction of the other.

8. The American Guild of Variety Artists will admit all present members of the American Federation of Actors to membership without payment of initiation fees and without discrimination.

PRODUCTION TO GO ON DESPITE WAR ABROAD

(Continued from Page 1)

here are awaiting a true and full account of war activities before making any plans to realign shooting schedules.

Twentieth Century-Fox will immediately place in production seven pictures as originally scheduled. The Fox budget has been laid out until Jan. 1, when the new budget will be formulated.

Sees No Exhibition Halt From the European War

Walter J. Hutchinson, foreign distribution manager for 20th-Fox, told THE FILM DAILY last week that exhibition of pictures had not been halted by the Spanish war or the Sino-Japanese struggle, and it did not appear that European exhibition would be halted in the event of a war, but monetary restrictions and differentials in exchange rates would provide a serious problem.

Other foreign managers corroborated Hutchinson's opinion on exhibition, with the general belief that even though the English Government is reported as ordering theaters closed if war breaks out, they will be reopened as quickly as it seems feasible to keep up the public morale.

Survey yesterday of foreign offices also revealed that to date in their foreign branches mobilization had affected all of them, and general English mobilization was expected to further deplete English staffs. An accurate list of names was not available.

Shooting Venezuelan Pix

Caracas (By Cable)—Second production of the Cinematographica S.A., entitled "Carambola," is nearing completion at the company's studios here. This film and the preceding one produced by the same company are the first feature pictures to be produced by a native company.

Roush Completes Para. Short

Direction by Leslie Roush on Paramount's all-color short, "Moments of Charm of 1940," featuring Phil Spitalny and his all-girl orchestra, has been completed at Eastern Service Studio, it has been announced by Lou Diamond, head of Paramount's shorts department.

Company has set Oct. 13 for national release of reel.

Set "Tony Pastor"

West Coast Bureau of THE FILM DAILY
Hollywood—"The Life of Tony Pastor" is announced by Hal B. Wallis, executive producer at Warner Bros., as a future starring vehicle for Edward G. Robinson. The story of the "father of vaudeville," who was New York's greatest showman during the '80's and '90's, is being written by Earl Baldwin.

Yesterday

it was — — — — — !

Today

it is — — — — — !

Tomorrow

it will be — — — — — !

The "Autobiographies" of the important companies of this great industry along with their *complete line up of product for the season* will be set forth in a volume that tells *this story*.

THE *Film*
DAILY

CAVALCADE

1939

SOON TO BE DISTRIBUTED TO FILM DAILY SUBSCRIBERS

Gross Income, Net Earnings Requested in 67 Queries

Asks Names of Subsidiaries In Which Defendants Have Any Money Interest

(Continued from Page 1)

history of each company. Under organization, 24 questions were listed. Defendants are required to furnish date and State of incorporation and the purpose of incorporation. A list of the addresses of principal executive officers and of exchange officers with the names and duties of managers and assistants is asked for. A list of the names and addresses of directors and officers, a statement of the outstanding stock, total amount of indebtedness and current loans, and identification of creditors in the sum of \$10,000 or more must be furnished.

The interrogatories also seek a list of the 20 largest stockholders of record of each class of stock.

Government also seeks the names of corporate defendants who either own securities of a company, or are creditors of it, and details concerning the relationships, such as participation in the management of the company.

Covers Years from 1935 to 1938

Each defendant is required to state its gross income and net earnings or losses for the fiscal years ending 1935-36-37 and 1938. The questions seek information of the names of all concerns and individuals in which the particular defendant owns "any financial interest, directly or indirectly, through subsidiaries or otherwise" in the production, distribution and exhibition fields. In each instance the defendant is asked to set forth the form of the organization, capital invested, number and location of offices, amounts of stocks and bonds held by defendants, date of acquisition, and names of persons from whom acquired. These details are also asked as to ownership of any business "related to the motion picture industry other than production, distribution, or exhibition."

Similar data is required as to ownership in the defendants of a financial interest by an outside concern. Defendants must supply in addition information as to their relationship with holding companies.

Fourteen questions are directed to defendants covering production activities. Each defendant must itemize a list of its feature pictures, produced either by it or its subsidiaries, from 1919 through 1938, including the titles, names of stars, approximate costs, and name of distributor. The number of sound stages owned, leased or operated by a company, with its location and size is asked for.

Companies must list the number of short subjects and newsreels, produced commencing with 1919, stating the cost of production for each season. Each company also must furnish information as to the number of persons now employed by it and its subsidiaries in production.

A number of questions are di-

rected to the practice of lending talent and production assets.

On Loan of Players, Etc.

Government, further, wants to know the names of the first five persons in the categories of star, featured player, director, or technicians loaned to other producers; the names of the producers, and date of the loan. Complete details are sought on all loans made since Jan. 1, 1933, and whether profits were shared when a loan was made. Companies must also state identical information concerning the borrowing of personnel.

The Government also asked a similar line of questions concerning the lending of production sets, sound stages or other equipment, and a list of each instance since Jan. 1, 1933.

Distribution activities were covered by 12 questions, first of which was a demand for a list of all feature pictures distributed by the defendant or its subsidiaries from 1935 through 1938. In regard to this list, complete information is sought on the title, name of producer, names of stars, cost of production, national release date, total number of theaters in U. S. to which picture was distributed, total film rental, a separate list of film rentals from theaters affiliated with the five major producer-exhibitors, film rentals from first-run theaters, with a separate statement from first-run affiliates and from subsequent-run affiliates.

Film Rentals in Big Cities

Separate information is sought as to film rentals received from theaters in New York City, Chicago, Philadelphia, Washington, Los Angeles, and Cincinnati.

A list of short subjects and newsreels distributed over the same period, with details as to titles, cost of production, release date, name of producer, and total film rental, is demanded.

Separate lists are again required for short subjects and newsreels distributed to affiliates of the five major producer-exhibitors. The notice asked that each defendant submit any charts or compilations available on the subject of the proportion of total domestic revenue that it received from any one feature picture in any particular city or geographical subdivision.

Particular information is sought on the subject of exhibition in the cities of Milwaukee, Chicago and Cleveland.

Name Theaters Playing Pix

The Government requires the name and location of every theater in the U. S. which has purchased for exhibition any feature picture, excluding spot bookings, distributed by the

defendant or a subsidiary during the 1937-38 season, and to group these names according to zones and protection.

Additional information is asked as to the protection afforded to each theater. Finally, the number of persons employed by the defendant or its subsidiaries in the distribution field.

Ten questions are asked in the exhibition field, the Government seeking to obtain complete information on the names and financial arrangements of subsidiaries and of pooled theater holdings. Details must be furnished as to the nature of the interest, date of acquisition, and from whom acquired since Jan. 1, 1930.

If a company subsequently divested itself of a theater, details were asked.

Asks Pooling Information

The Government also asked a number of questions as to pooling arrangements or joint ventures, financial details and manner of operation. Separate data was also asked for on pooled theaters held in Philadelphia, New York City, Dallas, Kansas City, New Orleans, Boston and Seattle. Details on box-office receipts from first-run and subsequent-run theaters was asked for specifically.

Interrogatories concluded with four questions on the history of the particular defendants and made inquiry into reorganization, mergers, stock or asset acquisitions and consolidations. In respect to these questions, information was also asked about the acquisition of ownership of companies operating more than 10 theaters. Names and addresses of persons supplying the information must be set forth, the notice stated.

The interrogatories were signed by John T. Cahill, U. S. Attorney for the So. District of New York, Thurman Arnold, Assistant Attorney General and eight special assistants.

Warners Sign Hogan

West Coast Bureau of THE FILM DAILY
Hollywood—Michael Hogan, who wrote the screenplay of "Nurse Edith Cavell," and also the screenplay of "Rebecca," has been signed by Warner Bros. to do the screenplay of the Somerset Maugham story, "Villa on the Hill."

Complete New Donner Short

First "Fashion Forecast" of Vyvyan Donner for the coming season's 20th-Fox short subjects lineup has been completed at Movietone's New York studios. Subject is in Technicolor, featuring sports clothes, evening clothes and general outdoor costumes. It will be released this month.

DEFENDANTS DENY ALL MOMAND ALLEGATIONS

(Continued from Page 1)

Amusement Co. and Consolidated Theaters Corp. deny nearly all in the allegations, and state the Government fails to state a cause of action on which relief can be granted, that assignment to plaintiff is champertous and against public policy, that petitioner is not a real party, etc.

Answer denies violating any and every material statement, averment or inference in the complaint. Denies combination, monopoly or conspiracy and denies violation of the Sherman act. Answer was filed by Henry Griffing and J. B. Dudley.

Columbia Pictures, through Schwartz & Frohlich, made a separate answer of the same import as that of Griffith Amusement Co. and Consolidated Theaters Corp. Universal, with Charles D. Purzman as its attorney, made similar answer, as did the other defendants.

William Mallard filed answer for RKO Radio; O'Brien, Driscoll & Rafferty for United Artists; J. Robert Rubin for Loew's, Inc.; Robert W. Perkins for Vitagraph, Inc.; Warner Bros. Theaters, Inc.; Vitaphone and Warner Bros. Theaters; Dwight, Harris, Koegel & Caskey for 20th Century-Fox; Phillips & Nizer for Pathe Exchange, Inc.; Austin C. Keough for Paramount Pictures and Publix Theaters; and D. I. Johnston for Education amicus curiae.

While the answers were the same, each company filed a separate paper. The New York lawyers entered the case for the first time.

West Coast Contempt Action Hearing Scheduled Oct. 16

(Continued from Page 1)

Judge George Cosgrave on Oct. 16.

It is learned that among the alleged violations of the 1930 consent decree charged in the Department suit, are: that, as a result of practices of Fox West Coast and defendant distributors, many unaffiliated exhibitors in Los Angeles territory were forced to sell their theaters outright to Fox West Coast, or enter into profit sharing arrangements under which unaffiliated exhibitors granted the circuit a controlling interest in their theaters, or pooled the theaters with theaters operated by Fox West Coast which receives an equal or controlling interest in the venture.

That distributors for the past three years permitted the Circuit to reduce the amount of percentage payable on every percentage picture shown on a double-feature program; and that the Circuit has been permitted by distributors to deduct from gross box-office receipts costs of any giveaways, vaudeville or stage shows conducted in combination with pictures.

THE Film DAILY

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The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 46

NEW YORK, WEDNESDAY, SEPTEMBER 6, 1939

TEN CENTS

20th-Fox Standing Pat on Program Despite Conflict EXPECT BRITAIN TEMPORARILY TO SUSPEND QUOTA Code Rebuff Problem Before Rodgers and Kuykendall

MPTOA Prexy and Distribs. Spokesman to Confer This Afternoon

Problem confronting the industry as a result of the Department of Justice's sharp warning that adoption of the proposed Trade Practice Code would mean "continued and perhaps additional prosecutions" will be discussed at a conference this afternoon by William F. Rodgers, Metro sales chief and spokesman for the Distributors Negotiat-

(Continued on Page 4)

DALLAS EXHIB. ASKS CONSPIRACY DAMAGES

Dallas—Alleging that a conspiracy entered into between Interstate Circuit and Carl Hoblitzelle on July 11, 1934, cut the profits of his Cliff-Queen theater, from \$6,000 a year to a \$96 loss in 1935, \$17 profit in 1936 and a \$492 profit in 1937, L. L. Dunbar has filed suit in Federal Court for damages totaling \$54,443.

The suit charged that pressure

(Continued on Page 5)

"Old Maid" Will Remain 6 Weeks at N. Y. Strand

Record breaking biz at the New York Strand, where it entered its fourth week over the week-end, has forced Warners to hold "The Old Maid" for an additional two weeks at this Broadway house. This is the first feature to stay more than

(Continued on Page 4)

Wilcox in RAF

Herbert Wilcox, British producer who is currently in New York in connection with impending openings of his latest RKO Radio release, "Nurse Edith Cavell," said yesterday that in all probability he will return to England in about two weeks. He is a member of the reserve of the Royal Air Force.

War Forces Murphy to Cancel His Coast Trip to Confer With Carr on Pix Cases

Washington Bureau of THE FILM DAILY

Washington—Attorney General Frank Murphy has been forced to cancel his plans for a trip to Los Angeles this week due to the European war. Murphy remains here to work on the neutrality proclamation and other measures designed to keep U. S. neutral. He was to have conferred with Charles H. Carr, special assistant, who is handling the Government's income tax and labor cases against members of the industry on the West Coast, and J. Edgar Hoover, chief of the G-Men. Murphy was also scheduled to stop in Detroit, rumored site of next anti-trust action on the way back. Plans for the trip are indefinite now.

STIRN'S REARGUMENT APPLICATION DENIED

U. S. Circuit Court of Appeals yesterday denied an application of Ernest W. Stirn, class A stockholder of RKO, for an opportunity to reargue the decision of the Circuit Court, made on July 18, which upheld the confirmation of the plan for reorganization by Federal Judge

(Continued on Page 4)

"Letty Lynton" Decision Rehearing Plea is Denied

Edward Sheldon and Margaret Ayer Barnes yesterday lost an attempt to obtain a re-hearing of the decision of the U. S. Circuit Court of Appeals which reduced an award of \$532,000 against Loew's, Inc., M-G-M Pictures Corp., M-G-M Dis-

(Continued on Page 5)

BUYING POOL REVIVED BY OKLAHOMA ALLIED

Oklahoma City—A bulletin calling for action on 16 mm. competition, passage of the Neely bill in the House in January and announcing that the buying pool organization plan would be presented at its convention, here Sept. 26-27, has been issued by Allied Theater Owners of Oklahoma over the signature of its corresponding secretary, George W. Sumner.

Carroll Sees Australia Biz Unaffected by War

"Exhibition and distribution in Australia is unlikely to be affected by the European war, and in all probability a minor boom will be created there as the country ex-

(Continued on Page 4)

No Realignment of 20-Fox Production Because of European War--Wobber

AFA Exec. Council Meets Today to Dissolve Unit

Final meeting of the American Federation of Actors executive council is scheduled to be held today for the purpose of acting to dissolve the union, which act will bring to a form-

(Continued on Page 5)

"Twentieth Century-Fox has completed approximately one-third of its program for 1939-40, no realignment of production plans has been discussed in regard to the European situation and no realignment will take place," Herman Wobber, general manager of distribution, told THE FILM DAILY following his re-

(Continued on Page 5)

Reopening of London Houses Starts—6 Months' Pix Supply Abroad

Temporary suspension of the British Quota Law is imminent, cabled reports to this country advised yesterday, and it was learned late last night that some theaters in the London area had already been allowed to reopen with the provision that they install a system which will immediately apprise them of air raid warnings.

Foreign departments here stated yesterday that new films already in Continental branches would meet

(Continued on Page 8)

CANADIAN INDIES WILL CONVENE DESPITE WAR

Toronto—Outbreak of the European war will not cause cancellation of tomorrow's Dominion-wide convention of indies, it was announced yesterday. Parley, expected to be widely attended, will be held at the

(Continued on Page 8)

Virginia Censor Board May Ban War Propaganda Films

Washington Bureau of THE FILM DAILY
Washington—As result of the European war the Virginia board of motion picture censors may rule

(Continued on Page 4)

U. S. Stocks Soar

Heaviest buying wave since 1929 was the Stock Market's reaction to the European war yesterday, with commodities advancing the day's limit and other stocks moving up for gains up to 25 points. While amusement issues failed to benefit generally, market analysts accepted the wild trading as indicative of coming war-time prosperity for a neutral U. S. To such a situation, amusements could not help but react, it was felt. The present healthy Broadway box office was mentioned as another reason for amusement optimism.

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	9 3/4	9	9 1/2	- 3/8
Col. Picts. vtc. (2 1/2%)	7 1/2	7	7 1/4	...
Columbia Picts. pfd.	19 7/8	19 7/8	19 1/8	- 2 1/8
Con. Fm. Ind.	1	1	1	...
Con. Fm. Ind. pfd.	8 3/8	8	8 1/4	...
East. Kodak	160 1/2	155	160	...
do pfd.	168 1/2	168 1/2	168 1/2	...
Gen. Th. Eq.	9	8 1/8	8 1/2	- 3/4
Loew's, Inc.	33	31 1/2	32 1/8	- 2 1/8
do pfd.	...	...	...	...
Paramount	6 7/8	6 1/8	6 7/8	- 3/8
Paramount 1st pfd.	78 1/2	77	77	- 6
Paramount 2nd pfd.	8 3/8	8	8 1/8	- 7/8
Pathe Film	8 7/8	7 3/4	8 1/2	- 1/8
RKO	15 1/8	1 1/2	1 1/2	...
20th Century-Fox	13 7/8	12 3/8	13 7/8	- 5/8
20th Century-Fox pfd.	24	23 1/2	23 1/2	- 1/2
Univ. Pict. pfd.	61	55	57	- 4
Warner Bros.	37 3/8	3 3/8	3 3/4	- 1/4
do pfd.	42	40	42	- 3

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	99 1/2	99 1/2	99 1/2	- 3/8
Loew's deb. 3 1/2s46	99	94 1/2	94 1/2	- 5
Para. E'way 3s55	...	...	...	...
Para. Picts. 6s55	...	...	...	...
Para. Picts. cv. 3 1/4s47	...	...	...	...
RKO 6s41	...	...	...	...
Warner Bros. cv. 6s39	...	...	...	...
Warner Bros. 'dbs. 6s48	83	82	82	- 3/4

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	...
Sonotone Corp.	13 3/8	1 1/4	1 3/8	+ 1/8
Technicolor	11 1/2	9 7/8	10 1/2	- 2 1/4
Trans-Lux	1 1/2	1 3/8	1 1/2	+ 1/4
Universal Corp. vtc.	3	3	3	- 1/8
Universal Picts.	6	6	6	- 1/4

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102	...
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47	...	...
Met. Playhouse, Inc. 2nd deb. '45	65	69
Roxy Thea. Bldg. 4s 1st '57	62 3/4	65

SAFETY LLOYDS

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SECURITY

Fair's Projectionists Day to Attract Industry Execs.

Projectionists Day at the World's Fair will be celebrated tomorrow with an impressive list of industry, state and government executives scheduled to be on hand when the day's program starts in the Special Events Building's Little Theater at 11 o'clock.

George E. Browne, president of the IATSE, Edward J. Flynn, United States commissioner general to the Fair, Earle Hines, president International Projector, Joseph Basson, president of Local 306, New York City projectionists local, E. A. Williford, president of SMPE, Walter E. Green, president of National Theater Supply, and a number of others are scheduled to address the meeting.

A large attendance of projectionists in the Metropolitan area and from nearby cities, as well as members of other IATSE locals, is expected.

Committee in charge of making arrangements, in addition to Basson, are Harry Rubin, director of projection for Paramount Pictures, Frank Cahill, Warners, Frank Horstman, RKO, Charles Muller, Music Hall, H. Oppenheimer, L. Kaufman, Thad Barrows, Jimmy Burke, Victor Wellman, Arthur Martens, Richard Hayes, Frank Cummings, W. Nagengast, J. Engle, G. Edwards, Frank Cummings, O. Kafka, C. Eichhorn and P. A. McGuire, who are all members of affiliated locals from here to Boston.

Theaters to Escape Tax Under New Wis. Proposal

Madison, Wis.—Solution to the tax problem seemed a bit nearer with the concurrence by the Senate in an Assembly bill after changing its provisions by injecting a \$7,500,000 highway diversion clause.

The highway diversion feature of the bill has been favored by exhibitor leaders as a desirable means of raising the necessary funds for the biennium without resorting to theater taxes.

The Assembly is scheduled to take up the measure as amended by the Senate today.

RRFC Seal of Accuracy To Serve as Guarantee

Ross Federal Research Corp. announced yesterday that it has prepared a seal of accuracy to be used as a guarantee that all figures used in promotional matter bearing the seal are factually accurate, as found, in accordance with the standards and ethics of market research. Seal's use is restricted to copy for publication advertising, direct mail and other promotional methods or media which has been individually submitted to and approved by Ross Federal.

Leon Fromkess Resigns as Monogram Treasurer

Leon Fromkess, treasurer of Monogram Pictures, resigned from the company at the week-end. No statement was forthcoming from Monogram executives as to who would replace him. Fromkess did not reveal his future plans.

Warners Ask Jury Trial of Fritz Kuhn's Action

Answer was filed yesterday in Federal Court by Warner Bros. Pictures, Inc., Milton Krims, Leon G. Turrou, and John W. Wexley, to the \$5,000,000 libel suit brought by Fritz Kuhn and the German American Bund. Defendants contended in the answer that the film, "Confessions Of A Nazi Spy," was based on incidents and events revealed at espionage trials held in the Federal Court here and in the Panama Canal Zone. Warner Bros. charged the Bund with being disloyal to the United States and claimed that its allegiance was to Germany, and its purpose to overthrow the democratic form of government.

The answer demanded that a trial be held before a jury.

Application of Katherine Moog to examine Milton Krims, Charles Einfeld, and Lya Lys, as witnesses in her suit for \$75,000 damages against Warner Bros. Pictures, Inc., was denied yesterday by Federal Judge Samuel Mandelbaum. The plaintiff had charged that the Warner picture, "Confessions Of A Nazi Spy," had libeled her and had violated the Civil Rights Law.

"Star Maker" Sets Summer Mark at N. Y. Paramount

With a strong week-end gross, Paramount's "The Star Maker" set a new summer mark at the New York Paramount Theater where it closed its first week yesterday, Robert M. Weitman, manager of the Paramount, reported.

First week's figure on "The Star Maker" beat the gross rolled up by both "Beau Geste" and "Man About Town" and was only topped by receipts on "If I Were King."

Chi. Trust Case Renewed

Chicago — Government yesterday renewed prosecution of anti-trust case in Federal Court against B & K. John Balaban and all majors except Columbia, charging violation of the 1932 consent decree. Government Attorneys, Robert Wright and Seymour Simon, indicated they would finish the case today, after which defense will take up arguments. Continued identification of further documents took place yesterday.

Film Curb to Arthur James

Film Curb, national trade weekly published in New York, has been taken over by Arthur James, it was learned this week. James plans to expand the publication's operations and increase its personnel.

COMING AND GOING

HARRY M. WARNER returned from Europe Monday on the Queen Mary.

PHIL REISMAN, RKO Radio's foreign sales manager, and SAM E. MORRIS, Warners' foreign manager, sail from Rio de Janeiro today on the Brazil for New York.

ED KUYKENDALL, MPTOA prexy, has 'ed in New York.

HERBERT WILCOX and ANNA NEAGLE plan to fly to England on the Clipper a week from Saturday.

VINCENT TROTTA and HAP HADLEY left for Atlantic City yesterday to be judges in the beauty contest.

R. E. GRIFFITH, president of Griffith Theaters, arrived in New York from Dallas last week and is discussing with J. J. Milstein, Edward Small's Eastern rep., and Harry Gold, UA vice-prexy, the filming of Small's "Kit Carson" in the actual locale where Carson operated.

JACK EPSTEIN, Universal's manager for Mexico, has arrived in New York for h.o. business confabs.

MRS. IRVING ASHER and her two children, MRS. H. C. CHARNAS and EDDIE DOWLING were arrivals on the Queen Mary Monday.

BOB HOPE, who arrived Monday on the Queen Mary, left last night by train for Hollywood.

EDWARD SCHELHORN, foreign press rep. at the Para. studios, is en route to New York on vacation.

ARTHUR LOEW, vice-prexy in charge of foreign department for Metro and Loew's, is in Hollywood for studio confabs.

JAMES CAGNEY is en route East for a sojourn at his Martha's Vineyard home.

PATRICIA REIS, Howard Dietz' sec., has returned to her post from vacationing.

ALLAN JENKINS, GEORGE RAFT, JAMES STEWART, TYRONE POWER and ANNABELLA have arrived at their respective studios from New York.

ED MYERSON, Somerville, Mass., exhib.; M. STAVERT, adv. manager for Mason-Prevoist Amusements circuit, Montreal; SAM SOLTZ of the Howard Theater, Baltimore; JAKE SOLTZ of the Rhuma, Pittsburgh; RAY SCHREIBER of Midwest Theaters, Detroit; GARSON JAFFA of the Schine circuit, Gloversville; CARL SPILLMAN of the Amuzu, Oakland City, Ind.; and JOHN R. SCHLEDER of the Harris circuit, Pittsburgh, were recent guests at RKO's exhibitors' lounge.

FRED JACK, Southern district manager for Warner Bros. with headquarters in Dallas, and RALPH MCCOY, Atlanta branch manager, are in town for conferences with Ben Kalmenson, Southern and Western sales manager.

JESSE J. GOLDBERG is stopping at Hotel Bregon Hall.

Lincoln Showmen Look for Fall Upturn In Biz

Lincoln, Neb.—Showmen believe the box office pace here will jump about 25 per cent in mid-September when college opens. All branches of business expect this to be a better Fall than in 1938.

I AM A MALE SECRETARY!

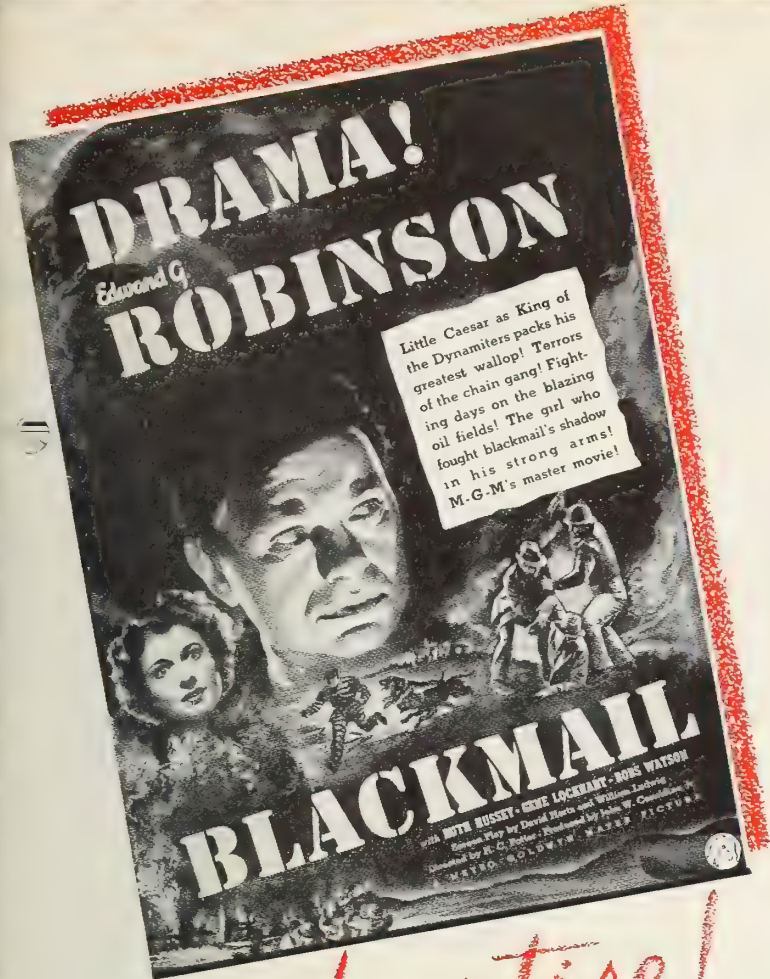
Give me the opportunity! I will more than prove my worth to you Mr. Busy Executive in LESSENING YOUR BUREAUS!

I am more than an able assistant with unlimited qualifications. Thorough knowledge of the motion picture, theatre and radio industries. Thoroughly competent in taking complete charge of an office and all its details to the most minute degree. A stenographer of merit and competency.

Affidavits and recommendations, quite out of the ordinary, eulogize my integrity, character, capabilities and qualifications.

Grant me an interview! That's all I ask! And you will be more than satisfied!

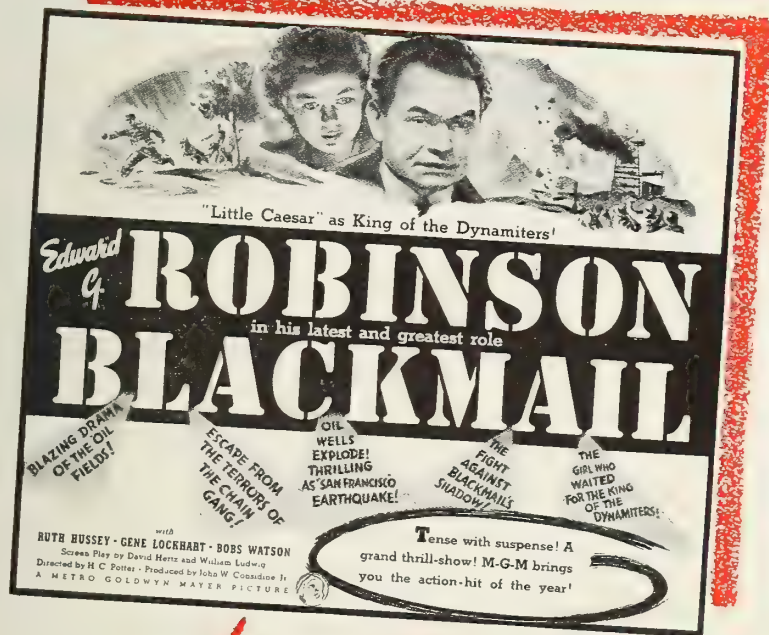
Box No. 1300
1501 B'wayTHE FILM DAILY
N. Y. C.



advertise!



advertise!



advertise!



advertise!

THE NEXT BIG M-G-M HIT!

Watch the trade papers! M-G-M's in the headlines! M-G-M's delivering one sensation after another! And it's just the start of the new year! When you see "Blackmail" you'll take our tip: *Advertise!*

CODE REBUFF BEFORE RODGERS, KUYKENDALL

(Continued from Page 1)

ing Committee, and Ed Kuykendall, MPTOA prexy.

It was indicated that the situation would be thoroughly canvassed, and it was anticipated that a statement would be released later.

The MPTOA prexy, who arrived in New York Monday and spent the day at the World's Fair, expects to remain here for some days.

Plans for the MPTOA convention are receiving his attention. Original plans to hold the meeting in San Francisco have been dropped. That city, however, may get a later meeting. It is understood that three other cities are being considered for the 1939 convention.

Carroll Sees Australia Biz Unaffected by War

(Continued from Page 1)

pands its industries to supply Great Britain and her allies with necessary war materials," Dan Carroll, Aussie circuit head, told THE FILM DAILY following his return from Europe on the Queen Mary.

Carroll expressed the opinion that it was only a question of time before theaters are reopened in Great Britain by the government to provide the public with entertainment, and to bolster morale.

With Mrs. Carroll, the Australian exec. will sail for Sydney next week on the Monterey.

W. L. Landers, Once Prexy of Tri-State, Dies In Ark.

Batesville, Ark.—W. L. Landers, owner of the Landers Theater, died at his home here Sept. 2. It is said he had been in the motion picture business longer than any person in Arkansas. He helped organize the Ark. ITO in 1920 and was a past president of the Tri-State theater organization. Funeral services were held Sunday.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 6
Rowland V. Lee
Otto Kruger
Dorothy Culliver
Donald Keith

ALONG THE



WITH PHIL M. DALY

● ● ● STEP right up, gents.....that great show that shows up The Women is now going on.....here is one show no male can afford to miss.....it gives you the lowdown on all their little tricks.....how they fool you.....cajole you.....kid you.....how they baby you.....coodle you.....weep over you.....mother you.....and generally make fools of themselves over you.....at such times as they are not engaged in the feminine pastime of making you look like a monkey.

● ● ● THE WOMEN.....God bless 'em!.....and the devil take 'em.....they are the alpha and omega of Joy and Sorrow.....a bit o' heaven.....and a taste of hell.....they keep life a merry merry-go-round.....and keep you in a dither of excitement wondering what the hell they're going to do to you next.....

● ● ● LA FEMME.....and the female of the species was never more illuminatingly presented.....never more brilliantly explained.....more ruthlessly dissected.....more excitingly shown in all the facets of her manifold charms and devilishness.....here, messieurs, is an Experience.....no longer need you as a Mere Male Person go through life sad and dejected because you just can't understand Women.....look!.....for the price of a movie ticket you can learn all about her.....her innermost secrets laid bare for your gloating eyes to see.....her System.....(pardon, make it plural).....SYSTEMS.....for handling the poor male fish disclosed to the world of the Stronger (?) Sex for the very first time in human history.....amazing.....unbelievable.....but it's a Fact.....and A Woman has done this thing to her sex.....and M-G-M has had the temerity to present it so that the screens of the world can sizzle and crackle and sparkle with Exciting Entertainment.....

● ● ● WOMEN for the first time will see themselves as other women see them....impaired right up there on the flashing screen.....with the inexorable light from the projection machine blazoning all their tricks to a gasping world of Men to gloat and snicker over.....

● ● ● BUT it is not all an Expose of Woman's Foibles.....this screen classic, "The Women".....it tells of the finer, tender side of the daughters of Eve.....for the clever stage play has been adapted to the screen by two brilliant writers who have made the rather sketchy stage characters pulse with life.....so the screen play presents a bevy of women of all types.....women you have met and known all your lives.....but have never really Understood before.....

● ● ● THERE is the Home Woman, fighting to hold her man against the Panther Woman.....and what a panther is Joan Crawford!.....and Norma Shearer as the wife battling for all she holds dear has never been more charming and tender.....then there is Rosalind Russell as the Catty Woman.....a classic performance.....and so on down through a dazzling array of femmes of all types such as the screen has never seen before in one production.....and NOT a single man in the cast.....a picture that should be labeled "For Men Only".....only the women would break down the theater doors to see THEMSELVES.....

STIRN'S REARGUMENT APPLICATION DENIED

(Continued from Page 1)

William Bondy. Stirn had asked for a rehearing, asserting that the Court was in error in ruling that he had delayed too long in appealing from a number of Judge Bondy's decisions.

Stirn had asserted unsuccessfully that proponents of the plan were directly responsible for any delay caused. The Court gave no opinion in denying the application.

Hearings on the fairness of \$4 as the price quoted in the proposed underwriting agreement put forth by the Atlas Corp. for new RKO common stock will not be held this week, Special Master George W. Alger revealed yesterday. The hearings may start next week, Alger stated. He refused to comment on whether the European war situation had been a cause for the delay.

"Old Maid" Will Remain 6 Weeks at N. Y. Strand

(Continued from Page 1)

four weeks at the Strand in six and a half years or since the run of "Forty-Second Street" in March, 1933, it was said.

"The Old Maid" has broken every record at the Strand for each week it has played to date: the initial week grossing more than the previous record holder "Angels with Dirty Faces" by \$800; the second stanza was the biggest second week for any feature at this house, with the third week recording the biggest third week at this theater, Warners stated.

Pix is also doing top biz at the Brooklyn Paramount where it is now in its second week, with a third week hold-over likely.

Virginia Censor Board May Ban War Propaganda Films

(Continued from Page 1)

out pictures where the manifest purposes are to arouse America to hatred of a participant, or participants in the conflict, Col. Peter Saunders, chairman of the Virginia Board, said yesterday.

He reported there have been scattered complaints regarding some pictures which were alleged to have contained propaganda, but that no action against any film had been taken thus far on this ground.

The board normally is concerned chiefly with "immoral" pictures or films involving breaches of decency and good taste, he said. This is the first hint of such action and no precedent can be recalled here during the first World War.

PDC to Rush "Hitler"

West Coast Bur., THE FILM DAILY
Hollywood — Producer's Distributing Corporation will place "Hitler, the Beast of Berlin" into immediate production.

DALLAS EXHIB. ASKS CONSPIRACY DAMAGES

(Continued from Page 1)

brought by Interstate upon film distributors caused the latter to demand that second-run films for an admission not less than 25c in the evening whereas his price has long been 20c per ticket.

Dunbar charged that defendants also brought about a ban against double bills, which he had been profitably showing. He said he had been operating the house since 1925 and had averaged \$6,000 a year profit until the restrictions were placed on his operations. He asked triple the resulting alleged damages of \$18,147, or \$54,443, plus \$5,000 attorney fees.

Chi.'s Lexington Passes from Warners to Rose

Chicago—The Lexington theater on East 63rd Street has been taken over by the Indiana and Illinois circuit from Warners. Ray Wheeler has been named manager by Alex Rose, circuit prexy, who reported more than \$40,000 dollars had been expended in modernizing the 750-seat theater.

This makes the 24th house in the Indiana-Illinois circuit and its first theater in the city of Chicago.

Liberty Reopening Means All Lights On In Lincoln

Lincoln, Neb.—Howard Federer, general manager of Nebraska Theaters, Inc., here, says he will open the Liberty, 1,000-seater, Sept. 15. May make it the ace NTI house, with singles. Action would bring the town back to 100 per cent re-lighted status, after 4 months of the Liberty being the only shuttered house.

Alliance to Sell in Canada

Budd Rogers, vice-president and general manager of Alliance Films Corporation, announces that he has extended his distribution territory to include the Dominion of Canada and the Maritime Provinces. Up to the present, Rogers has confined Alliance sales of 12 features and various short subjects to this country.

Mary Carr Signed

West Coast Bureau of THE FILM DAILY Hollywood—Retsama Films Prods. has signed Mary Carr to play a mother role in "The Trail Blazers," which it will make in Cinemachrome. Geraldine Sprechels will be starred and principals will include Fred Keating and Claire Windsor.

Hays Arrives on Coast

West Coast Bureau of THE FILM DAILY Hollywood—Will H. Hays has arrived here from the East and is expected to describe to members of the MPPDA the European situation as reported to him.

Shelve Chi. Ordinance

Chicago—Rumored city ordinance for restricting film shows to 135 minutes has been shelved for the present, according to the backers of measure. The demand for such legislation seems to be fading away at the present time.

AFA Exec. Council Meets Today to Dissolve Unit

(Continued from Page 1)

al close the recent dispute between the AAAA and the IATSE.

Meanwhile, organizers of the American Guild of Variety Artists, created by the AAAA when they revoked the AFA charter, opened an office around the corner from AFA headquarters, with organizers busily recruiting members for the new union. Jean Muir is in charge of the office.

It was also expected yesterday that the AAAA executives would now drive hard to bring about consolidation of all the organization's member unions into "one big union" as an economic and efficiency measure. Elimination of dual dues by actors is expected to be one result of such a move.

A wire was sent yesterday by the IATSE to all its locals stating that the controversy between the IA and the AAAA had been settled and therefore the locals were to take no further action in this connection. Previously the IA had instructed all its locals to assist the AFA in every way possible.

Indiana ATO to Convene in Indianapolis Oct. 23

Indianapolis—The Associated Theater Owners of Indiana, Inc., will hold its 13th annual convention and trade show in the Antlers Hotel here, Oct. 23-24. Marc Wolf is chairman of the convention committee, which includes Ernest L. Miller, Cinema Theater; Harry Markun, Talbott Theater; Earl Bell, Howard Theater; Carl Niesse, Olson Theaters; all of Indianapolis and Maurice Rubin, pres. of A.T.O.I., Michigan City; and Don R. Rossiter, Exec. Secy. of A.T.O.I., and secretary of the convention.

Social program calls for a get-together and games tournament Monday night and banquet on Tuesday night.

19 L. A. Area Theaters Hear Hourly War News

West Coast Bureau of THE FILM DAILY Los Angeles—Audiences in 19 large pix houses here and in surrounding cities have been hearing hourly reports on the European war situation by arrangement with station KNX, Los Angeles. While announcements from CBS's foreign staff are being flashed on the screen, a condensation of last minute news is given over the theater's public address system.

Eighteen Fox West Coast theaters and the independent Million Dollar Theater are participating in this news activity.

Ontario Ban on Foreign Talkies to be Continued

Montreal — O. J. Silverthorne, chairman of the Ontario Motion Picture Censor Board, has directed his staff to watch news reels closely for subversive propaganda. The order barring foreign language pix, except French, will be continued. The board has held up a release permit for "Beau Geste" and it will be rescreened with the French Consul in Toronto viewing it. It was the Consul's protest that resulted in the order to hold up the picture. Cuts satisfactory to the French Consulate in New York were made by that state's consors, said Mr. Silverthorne and he thought the same cuts might be made in Ontario.

Kibre Resigns from IATSE; Threatens "War" on Browne

West Coast Bureau of THE FILM DAILY

Hollywood — Jeff Kibre, leader of home forces in the IATSE, yesterday announced his resignation from that organization.

Kibre, who was to have faced a trial board, had been expected to be accused of creating unrest among IATSE members and of being in the employ of CIO in an effort to weaken the A F of L in the film industry.

Kibre declared he would do everything possible to drive George E. Browne, IA prexy, and William Bioff from the labor movement.

Baltimore Exhibs. Fight Midget Auto Race Track

Baltimore — Judge W. Conwell Smith in the Circuit Court of Baltimore granted a temporary injunction stopping the preparation of a cinder track in the Baltimore City stadium for the proposed midget auto racing in the suit which has been filed through attorneys Rome & Rome and Knapp, Tucker, Thomas & Gray for Frank A. Hornig and Thomas D. Goldberg, theater owners and taxpayers of this city. The hearing is set for tomorrow.

Schlom Quits Republic

West Coast Bureau of THE FILM DAILY

Hollywood—Herman Schlom who has been associate producer for Republic for the past three years has resigned. He was with Monogram before joining Republic.

Rufus LeMaire Leaves RKO

West Coast Bureau of THE FILM DAILY

Hollywood—Rufus LeMaire, executive assistant to Pandro S. Berman at RKO, has resigned. He was an exec. at Universal before joining RKO.

Levin Funeral Today

Funeral services will be held at the Riverside Memorial Chapel, 76th St. and Amsterdam Ave., today for Lucy Levin, 32, Yiddish stage and screen actress, who died after a three months' illness in Beth Israel Hospital. Her husband, Jerome Parker, a daughter, Barbara, and

20TH-FOX STANDING PAT ON PROGRAM

(Continued from Page 1)

turn to the home office from studio conferences and visits to several Coast branches.

"We have already sold, and are selling, a program to exhibitors that will not be changed in any respect," Wobber stated. He expressed the opinion that all studios might encounter some difficulties in casting as a number of British players already announced for pictures will probably be unavailable.

Wobber reported company business as being good, and said that contracts were being closed now at a rate that equalled last year's pace, with the company setting a new record on total contracts closed last year.

The sales exec. asserted that, "naturally, all companies are watching the European situation with the gravest concern, but at this time it is virtually impossible for any one to take a long range view as to its effect."

"Letty Lynton" Decision Rehearing Plea is Denied

(Continued from Page 1)

tributing Corp. and Culver Export Corp., to one-fifth of the net profits of the picture, "Letty Lynton," when the Circuit Court denied their application.

The plaintiffs previously had obtained the award from Federal Judge Vincent L. Leibel for plagiarism of their play, "Dishonored Lady," in the film "Letty Lynton." The previous decision of the Circuit Court, which the plaintiffs sought to reopen, had ruled that the plaintiffs were not entitled to obtain the entire net profits as damages and apportioned damages at one-fifth of the net.

Plaintiffs had contended on the application for reargument that the award was improper and inadequate and that stories were of greater value as box-office attraction than stars. In doing so, the plaintiffs had quoted the high prices paid in the film industry for scenarios, stories and plays.

Oklahoma Allied Seeking Speakers for Convention

Oklahoma City—Orville Von Gulker, chairman of the organization committee of the Allied Theater Owners of Oklahoma, is at present contacting national figures active in Allied work as prospective speakers for the organization convention at the Biltmore Hotel Sept. 26 and 27.

Representatives of Allied States, as well as congressional figures active in promoting Allied sponsored legislation, are being sought as speakers for the meet.

**KEEP ON YOUR TOES
WITH WARNERS IN '39-40**
(soon you'll be walking on air!)



No. 2



*We don't like
to gossip but*

**'THE OLD MAID'
IS A SWEETHEART**

**Pick your spot and
check for yourself!
It's bigger than
Warners' biggest!**



**WARNER
WORLD'S**

READY TO RIDE!

JOHN GARFIELD

and his 'Daughters Courageous' Sweetheart

PRISCILLA LANE

in the first starring show all their own
— their greatest by miles!

DUST BE MY DESTINY

By the author of 'Each Dawn I Die'!

with

ALAN HALE • FRANK McHUGH • BILLY HALOP

Screen Play by Robert Rossen Directed by Lewis Seiler Novel by Jerome Odlum
A First National Picture

JACK L. WARNER • HAL B. WALLIS • LOUIS F. EDELMAN
In Charge of Production Executive Producer Associate Producer

STARTS AT THE
STRAND, N. Y.
FOLLOWING THE SIXTH
HOLDOVER WEEK OF
THE NEW STRAND
RECORD-HOLDER
'THE OLD MAID'



BROS. BEST!

Stay on your toes and watch for
No. 3 'A CHILD IS BORN'

ENGLAND TO SUSPEND QUOTA TEMPORARILY

(Continued from Page 1)

all release dates for a period of from four to six months, with a plentiful supply of films already released still available in European countries for re-issue, if necessary.

Printed reports that shipping schedules had been hopelessly disrupted, production plans upset and foreign markets lost, were termed yesterday by executives as ridiculous flights of imagination. They pointed out that exhibition in Spain

London (By Cable) — "A master stroke of unimaginative stupidity" is Bernard Shaw's description of the British government's order closing all theaters in a letter of protest published in *The Times*. Shaw proposes that the Government instead provide theaters where they are lacking and that players and musicians be granted military exemption.

and China has never ended, money to cover the cost of operations in profits accrued in these countries has been available, and shipping on either American boats or ships of neutral countries is now being arranged.

Naturally, it was stated, concern is felt regarding exchange rates and possible monetary restrictions, but it was pointed out that no drastic embargo on money has ever been put into force in the past by either France or England and it was not anticipated now. It was stressed that entertainment must be provided for the populations of these two countries and the governments

Paris (By Cable)—Jean Zay, Minister of Education, has quit his Cabinet post to join the Army.

Zay became a film figure through his sponsorship of a measure to organize the French industry. He was a June visitor to the U. S.

would not shut off this entertainment supply by prohibitive monetary restrictions which would force American film companies to end distribution. It was believed, that if anything, distribution of pictures will be encouraged in every way possible.

It was stated yesterday at Metro, Paramount and 20th-Fox, the only majors still doing business in Germany, that no change in the policy had been considered and "business is going on as usual." It was admitted that shipping of films to Germany would have to be rerouted. All companies admitted that difficulty in shipping to Poland was to be anticipated.

When it was learned yesterday that suspension of the Quota was under consideration, it was pointed out that possible loss of revenue in

STORKS!

Denver—Tom Ward, just named assistant manager at the State, is the proud daddy of a new baby boy, named Richard.

Pix Outdraw Radio's War News in Dallas

Dallas—Radio's splurge of news broadcasts resulting from the European War are not keeping Dallas people from film theaters, according to James Owen Cherry, city manager for Interstate.

England and France, through any restrictions and fluctuating exchange rates, might be offset to a considerable degree by not having to produce costly Quota pictures.

Suspension of the quota is a natural and logical move for the English government to make under the prevailing circumstances, it was stated yesterday by a major exec. He pointed out the fact that English producers would probably be unable to fulfill their obligations to American companies and American companies' production plans in England must also be temporarily suspended. It was also stated that in all probability a number of theater contracts would be revised in Great Britain due to conditions that may upset zoning, clearance and delivery to some extent at different times.

All executives yesterday said it was ridiculous to express any flat opinion as to what effects the European war will have on the film industry as it was an impossibility for any one to size the situation up at this time.

It was anticipated yesterday that theaters throughout the British Isles would be reopened on an increasing scale in the immediate future as any non-industrial areas are expected to be comparatively safe from air raids.

Similar decrees have been issued in both England and France restricting the exportation of any exposed film or sound tracks, subject to permission of the governments. Strict censorship on all pictures is to be expected, it was said, but any film free of subversive propaganda that will prove entertaining will probably be accepted.

Newsreels here were unable to state last night when they expected their first shipments of actual "front" films, with censorship, developing and shipping uncertain quantities. No reel reported yesterday that it had shifted its laboratory center to a neutral country. It was also generally stated that all preparations had been made for complete coverage some time ago, and any necessary replacements of manpower were already on the scene.

Believe War Will Not Have Adverse Effect on U. S. Pix

West Coast Bureau of THE FILM DAILY

Hollywood—With most producers estimating revenue on American films shown in the British Isles at 30 per cent of the world gross, there is keen interest in any action that the British Government might take regarding American pictures.

It is hoped that England will not impound rental money on American product and it is believed that no such action will be taken because of the friendly relations between England and the United States.

Optimistic observers feel that the American film industry will not be

L-P-B Circuit, TMAT Reach Agreement; Strike Called Off

"Memorandum contract" has been signed between the Loew-Peskey-Baranco theater interests and the TMAT, bringing to an end a strike at one house and picketing of others by the union, it was learned yesterday. Formal contract is scheduled to be drafted and signed within 10 days and employees out on strike are scheduled to go back to work today or tomorrow.

Picketing of the Nelson-Renner-Endicott circuit is being continued by the union in its campaign for a contract and recognition, with a union exec. stating yesterday that an early agreement was expected.

Delay TMAT-R & B Hearing

Hearing scheduled for today before the State Labor Relations Board of the Rugoff and Becker-TMAT case has been indefinitely postponed. Hearing of the Raybond Theaters-TMAT case is scheduled for Tuesday. In both instances the union is seeking recognition as a bargaining agent.

adversely affected by war, pointing out that with a sharp decline in German production numerous playdates in South America, usually filmed by German pictures, will be made available for American pictures, and that with British production at a standstill, dates in the U.S. that went to British productions will go to American pictures.

They further contend that war should bring a sharp upturn in employment in the U. S. and much heavier attendance in film theaters.

Hicks Believes England Will Revise Quota on U. S. Pix

West Coast Bureau of THE FILM DAILY

Hollywood—That England will revise its quota act affecting American pictures was the belief of John W. Hicks, Paramount foreign head, who arrived here with Adolph Zukor from a trip to Australia and New Zealand. He pointed out that British production, with exception of newsreel and propaganda films, will be at a standstill, and additional features from foreign sources will be needed.

He declared it was the consensus of film men that after first air raid scares a few theaters will be allowed to open in certain London districts until gradually exhibiting would be restored to normal. Although he does not believe war will affect theater attendance in Australia, he pointed out that distributors there will be affected by additional taxes that will be imposed because of war operations.

Hicks declared Paramount has no theater building plans for Australia. He left for New York last night, while Zukor will remain here for several days.

CANADIAN INDIES WILL CONVENE DESPITE WAR

(Continued from Page 1)

King Edward Hotel under auspices of the Anti-Protection League.

J. O. Scott, chairman of the League's central committee, while declining to make public in advance its proposals for reforming the priority and clearances rules, discussed the convention's primary issues thiswise:

"As to priority: We concede the necessity for some sort of priority arrangements, but we object to the unfair methods in use."

"As to clearance: 'We concede the necessity for clearance arrangements, but we object to the deliberate withholding of pictures from independents for long stretches until their appeal has evaporated.'"

"Overbuying and failure to play pictures when available are some of the other abuses to be removed."

After stressing the need "for a truly representative national board for this industry in Canada to hear appeals from local boards and to have original jurisdiction in matters of general importance," Scott states, that "at the national convention the consensus of opinion on priority and clearance reforms will be voiced and a program will be adopted. It is anticipated that the convention will also create a Dominion authority in the form of an organization which will appoint a committee to negotiate, conciliate and report back to the Dominion authority."

Believe TMAT Strike Threat Will Not Affect Pix Houses

Rumblings yesterday of a strike by part of the Theatrical Managers, Agents and Treasurers union membership left the film industry unconcerned as a check showed that any strike of this type would not affect film houses or studios in any way, shape or form.

It was also believed that if the members of the legit. division of the union who threaten to strike, do so, that musicians, actors and stagehands will not regard their picket lines and shows will be practically unaffected, except for minor adjustments in personnel.

Dispute centers over the charter granted to one group in the union by the Stagehands when they bolted the TMAT.

WEDDING BELLS

Gaylord E. Conrad, FILM DAILY correspondent, associated with his father, E. J. Conrad, in the publishing of the semi-weekly Bismarck Capital and readyprint section of 70 weeklies of the North Dakota Newspapers Association, was married Sept. 2, at Bismarck to Miss Abigail Roan, daughter of Dr. and Mrs. M. W. Roan, also of Bismarck. Following the wedding Mr. and Mrs. Conrad left for New York City.

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76. NO. 47

NEW YORK, THURSDAY, SEPTEMBER 7, 1939

TEN CENTS

U. S. Producers Plan to Adhere to 1939-40 Schedules MONDAY REOPENING OF BRITISH HOUSES FORECAST Dismissal of Anti-Trust Action Demanded by Schines

Hearing on Motion Will be Held in Buffalo on Sept. 18

Buffalo—Dismissal of the anti-trust action filed by the Department of Justice in Federal Court here against the Schine interests is demanded in a motion filed by Willard McKay, of New York, defense counsel. Hearing on the motion, which U. S. District Attorney George L. Grobe will oppose, is set for 10 a.m., Sept. 18.

Motion is a joint one by Schine Chain Theaters, Schine Circuit, Schine Theatrical Co., Schine Enterprises Corp., Schine Lexington

(Continued on Page 4)

SEES INDIA IMPORTING 200 MORE U. S. PIX

India, rapidly expanding exhibition field, will require an additional 200 pictures from the United States to meet its present needs as a result of the European war, it was said here yesterday by Baburao Patel, editor of Filmindia, Indian trade journal, president of the Film Journalists Association of India and a member of the Board of Governors

(Continued on Page 8)

Col. 53-Week Profit \$2,000 As Against \$183,392 in '38

Columbia Pictures Corp. in a financial report issued yesterday shows a net profit of \$2,000 for the 53 weeks ended July 1, last, after provisions had been made for federal and other taxes. This figure

(Continued on Page 4)

Del. Blue Law Revision Committee Meets Soon

Wilmington, Del.—The nine-member commission named by the General Assembly to study possible revision of the Sunday blue laws, will

(Continued on Page 4)

Editorial

The War and the Industry

... Roll up the sleeves, go to work

By CHESTER B. BAHN

AND so Europe again is at war.

But without attempting to discount or minimize the effect of such conflict upon this industry, international in its scope, of far greater importance is the fact that the United States is at peace and resolved, through the application of neutrality preventives, to remain at peace.

It is to the situation thus presented that the industry must and will address itself, not with jittery apprehensiveness but with the confidence which, in so few decades, has enabled it to weather all storms and build an industrial structure valued at billions.

In short, the situation is a call to the industry in all its phases to roll

(Continued on Page 8)

N. J. ALLIED WEIGHS WAR'S EFFECT ON PIX

By W. H. McMAHON

FILM DAILY Staff Correspondent

Atlantic City—War and its probable effect upon the motion picture industry occupied most of the opening session of the 20th annual convention of the Allied Theater Owners of New Jersey, in Atlantic City yesterday. Sidney Samuelson, Al-

(Continued on Page 8)

DETROIT BOOTH PACT ENDS STRIKE THREAT

Detroit — Agreement has been reached between local exhibs. and Local 199, IATSE, renewing working contracts for projectionists for two years, retroactive from Sept. 1. Negotiations were conducted chiefly with Co-Operative Theaters through a committee headed by Gustave W. Funk, and with members of Allied

(Continued on Page 8)

American Companies to Adhere to Pix Programs Announced for This Season

Warner Stars on Good-Will Tour to Aid Coast Indies

West Coast Bureau of THE FILM DAILY
Los Angeles—Between 12 and 14 Warner players left yesterday on a week's good-will tour to aid Coast indies who bought the company's product when it was recently sold

(Continued on Page 4)

Consensus of opinion yesterday among top executives in the industry stressed the fact that it was far too early to make dogmatic, cut and dried estimates of possible foreign revenue loss as the result of the European war. It was also emphatically stressed that it would be well for the industry to reserve judgement at this time and that snap

(Continued on Page 5)

Home Office "Sympathetically Considers" the Trade's Request

London (By Cable)—In all probability, Britain's war-darkened film theaters will reopen next Monday.

The Home Office yesterday gave "sympathetic consideration" to the trade's plea that such action be taken, it was announced, and the formal order permitting the resumption of exhibition and distribution is expected before the end of the week. A few theaters have already re-lighted.

If such a course of action is followed, it is expected that the conditions set forth in the Home Office memorandum of Aug. 28 will govern, wholly or in part.

(The memorandum mentioned as
(Continued on Page 4)

HAYS OFFICE DENIES UA HAS RESIGNED

Published reports to the effect that United Artists had resigned last week from the MPPDA were emphatically denied at the Hays Office here yesterday.

"United Artists has not submitted
(Continued on Page 5)

Code Situation Remains in Status Quo—Rodgers

The trade practice code situation remains in status quo, it was said yesterday by William F. Rodgers, Metro's sales head and spokesman

(Continued on Page 5)

Rubin's Gift of 1,660 Shares Cuts His Holdings in Loew's

Washington Bureau of THE FILM DAILY
Washington—J. Robert Rubin has disposed of 1,660 shares of Loew's common stock as a gift, it was re-

(Continued on Page 5)

THE **Film** DAILY ALL THE NEWS ALL THE TIME

Vol. 76, No. 47 Thurs., Sept. 7, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	10 1/4	9 3/4	9 3/4	+ 1/4
Col. Picts. vtc. (2 1/2%)	7 1/4	6 7/8	7 1/4	+ 1/4
Columbia Picts. pfd.	16	16	16	- 3/8
Con. Fm. Ind.	1 1/8	1	1	- 1/8
Con. Fm. Ind. pfd.	8 1/2	8	8 1/2	+ 1/4
East. Kodak	161	159	159	- 1 1/2
do pfd.	160	160	160	- 8 1/2
Gen. Th. Eq.	9 1/2	8 1/2	9 1/2	+ 1
Loew's, Inc.	33 1/2	31 1/2	33 1/2	+ 1 1/4
do pfd.				
Paramount	7 1/4	6 5/8	7 1/4	+ 3/8
Paramount 1st pfd.	76 1/8	76	76 1/8	- 7/8
Paramount 2nd pfd.	8 1/4	7 7/8	8 1/4	+ 1/8
Pathe Film	9 3/4	8 5/8	9 3/4	+ 7/8
RKO	1 1/8	1 1/2	1 1/2	- 1/8
20th Century-Fox	14 1/4	13	14	+ 3/8
20th Century-Fox pfd.	23 1/8	23 1/8	23 1/8	- 3/8
Univ. Pict. pfd.	56	54	54	- 3
Warner Bros.	4	3 5/8	4	+ 1/4
do pfd.	45	42	45	+ 3

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	101	100	101	+ 1 1/2
Loew's deb. 3 1/2s46	96	94	96	+ 1 1/2
Para. B'way 3s55	50	50	50	
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47				
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	83	83	83	+ 1

NEW YORK CURB MARKET

Monogram Picts.	1 1/4	1 1/4	1 1/4	+ 1/8
Sonotone Corp.	1 3/8	1 1/4	1 3/8	
Technicolor	11 3/4	10 5/8	11 3/8	+ 5/8
Trans-Lux	1 1/8	1 1/2	1 1/2	
Universal Corp. vtc.	2 3/4	2 5/8	2 5/8	- 3/8
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102	
Fox Thea. Office Bldg. 1st '46		3 3/8
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	65	69
Roxy Thea. Bldg. 4s 1st '57	62 3/4	65

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

Milwaukee Police Ban on Hollywood Fought

Milwaukee, Wis. — Hollywood Amusement Co., Inc., Chicago, has instituted suit in Federal Court here to restrain Police Chief Joseph Kluchsky from interfering with the playing of Hollywood in local theaters.

The plaintiff contends that the game is one of skill and not chance and that the district attorney's office frightened many exhibitors into discontinuing the game by threatening to obtain an injunction on the strength of the recent ruling by the state supreme court holding Bank Night a lottery.

Chi. Contempt Defendants Expected to Ask Dismissal

Chicago—It is indicated that the defense may seek dismissal of government's charges of criminal contempt in the 1932 consent case in Chicago as government attorneys concluded presentation of the case yesterday.

E. Van Pelt, FBI man, was the final government witness to identify documents. John Jones of Jones, Linick & Schaeffer, also testified.

The defense began presentation of its case late yesterday and will continue today, and plans to complete its entire case by the end of September.

Biddo, Inc., Organized to Enter Games Field

Albany — Biddo, Inc., has been chartered to engage in premiums and prizes in connection with theaters, according to papers issued by the Secretary of State. Subscribers of the concern are Seymour Olian, 359 Fort Washington Avenue, New York, Etta Zwilling, 1497 Carroll Street and Rose Hummel, 1417 Avenue K, both of Brooklyn.

Counsel for the concern are Fitelson & Mayers.

Indian Editor to Speak

Baburao Patel, editor of Filmindia and president of the Film Journalists Association of India, will speak at the Newspaper Guild Club Monday under the auspices of Film Audiences for Democracy.

Exhibs. Honor Goldhammer

Minneapolis — Approximately 125 exhibitors and company execs. attended the testimonial dinner here for Al E. E. "Nicky" Goldhammer, new district manager for RKO. A traveling bag was presented to Goldhammer.

Bingo Ban In Detroit

Detroit—Bingo and similar games conducted by churches, lodges, and other organizations will be banned in Detroit, Police Commissioner Heinrich Pickert announced.

Golden Gate Exposition May Reopen Next Summer

San Francisco—Here's the inside dope on a second-year run of Golden Gate Exposition. Although the Fair is now running profitably, there are debts of approximately \$5,000,000 owing to banks, contractors, P.G.&E., and Standard Oil to be paid. Up to Aug. 27 there was a gross operating profit of \$2,235,000 to be applied on debts and obligations, which is less than half the \$5,000,000 outstanding. Unless the balance comes in by Dec. 2 closing date—and the chances are slim—officials are planning on closing then, and reopening next year for four months of June, July, August and September in an effort to pay off in full.

Cleveland Plans Costume Display to Mark Jubilee

Cleveland—Cleveland will celebrate the 50th anniversary of motion pictures with a big display of motion picture properties in the main concourse in the Terminal Tower, from Sept. 19 to Oct. 6. Theme of the display will be a portrayal of the history of the cinema. It will include displays of costumes, jewelry and sets used in production, and a continuous show of 16 mm. pictures.

Report Schines to Have Cincy Booking Offices

Cincinnati—It is currently reported Schines will move their Bellefontaine booking offices to Cincinnati, where Joel Gordon is seeking a location. Cincinnati, Cleveland and Washington will serve as booking centers.

Farnsworth to Introduce Tele on Coast in October

San Francisco—Plans for developing television broadcasting here are in the making, according to Ernest H. Vogel, vice-president of Farnsworth Television and Radio Corporation. Vogel said that the FCC is planning allocation of television channels for this area, and that this company will be ready to distribute television receivers in October.

Loew's to Pay 50 Cents

Loew's Board of Directors yesterday declared a regular dividend of 50 cents per share on the common stock, payable to stockholders of Sept. 13 record on Sept. 30.

AFA Not Yet Dissolved

Meeting of the American Federation of Actors executive council was held yesterday, but no action was taken on the dissolution of the union. It is expected that formal action to dissolve the union will be taken by the council in the near future.

COMING AND GOING

H. M. WARNER leaves for the Coast within the next few days.

HERBERT J. YATES, MRS. YATES, RICHARD YATES, MR. and MRS. GENE AUTRY, NORMA SHEARER, GRACE MOORE, and MR. and MRS. WALTER TITUS, arrive here today on the Manhattan from Europe.

JAMES R. GRAINGER returns to New York today.

MR. and MRS. LOUIS CURLAND are at the Sherry Netherland.

BOB HOPE has arrived in Hollywood after a European vacation.

BUDDY DeSYLVA flew here this week from Hollywood.

JOHN W. HICKS, JR., is due in today from Los Angeles. He arrived there Monday following a trip to Australasia.

HARRY JOE BROWN, 20th-Fox associate producer, and his wife, SALLY EILERS, are at the Waldorf for a 10-day stay.

M. B. SILBERBERG and his wife are stopping at the Sherry Netherland.

JOHN WEXLEY, Warner writer, leaves for the Coast tomorrow after a vacation on his Pennsylvania farm.

H. M. RICHEY, director of exhibitor relations for RKO, is in Atlantic City to attend the New Jersey Allied meeting.

ANNABELLA left for Europe yesterday on the Dixie Clipper to bring her family to this country.

TYRONE POWER left for Hollywood last night.

LEO SPITZ is in New York.

COL. H. A. COLE, national Allied prexy, is in Atlantic City for the New Jersey Allied convention.

KEN CLARK of the Hays Office returns from a vacation Monday.

WILLIAM HOLDEN planned by TVA to Pittsburgh yesterday, proceeding from there to the Coast.

BABURAO PATEL, editor of Filmindia, leaves New York for Hollywood on Tuesday.

LARRY DUDLEY, 18-year-old sea scout, selected by Paramount to come to New York for Atlantic sea water to christen its caravan for "Rulers of the Sea," arrives here by plane this morning.

STUART HEISLER, assigned by Para. to direct "The Biscuit Easter," and its producer, JACK MOSS, are in Atlanta on preparatory work for the film.

RITA HENRY, "typical New England girl," and winner of "The Miss New England" contest, arrived in Hollywood yesterday to begin a round of activities as the guest of Paramount.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 7
Arthur W. Kelly
Merna Kennedy
Roscoe Karns
M. Chertowsky



While M-G-M's magic wonder show "WIZARD OF OZ" winds up the 1938-39 season in a blaze of glory, the year '39-'40 has opened up with all eyes on Leo the Lion!

YOUR ITCHING PALM! **there's a fortune in it!**

We told you how the Previews of "THE WOMEN" and "BABES IN ARMS" created a furore! We pointed out that no season had ever yielded two such sensations to begin with. Now "NINOTCHKA" has been previewed . . . it is phenomenal! And "BLACKMAIL" and "THUNDER AFLOAT" have been previewed! They are smashing entertainments! Did we hear somebody say: "Pictures talk!"



TRUST SUIT DISMISSAL DEMANDED BY SCHINES

(Continued from Page 1)

Corp., Chesapeake Theaters Corp., J. Meyer Schine, Louis W. Schine, and John A. May. It contends that the complaint fails to state a claim upon which relief can be granted against the defendants.

The motion reads, in part:

"Complaint fails to state sufficient facts to constitute action in favor of the plaintiff against the defendants.

"Complaint fails to state facts sufficient to show that the defendants are violating or have ever violated any act of Congress mentioned in the complaint and especially the provisions of Section 4 of the Act of Congress, July 2, 1890.

"Upon facts stated herein court has no jurisdiction over the alleged cause of action. No facts are set forth in the complaint showing that the moving defendants are engaged in interstate commerce."

Must Answer Gov't's Equity Interrogatory Within 15 Days

Film company defendants in the Government's equity suit have 15 days to file answer to the Government's interrogatory, according to rule 33 of the rules of federal procedure, the U. S. attorney general's office pointed out yesterday. However, the office stated that it did not know whether Assistant Attorney General Paul Williams had made any agreement with the defendants for an extension of time.

The rule also provides that objections to the interrogatory may be filed within 10 days and must be heard by a Federal Court Judge. In this event, the rule states, time to answer the questions will be deferred until the Court rules upon the objections. Furthermore, under the rule, the film companies may apply to the Court for an extension of time provided they show the necessity for it, it is stipulated.

All answers to interrogatories under the Court rules must be made under oath and signed by an officer of the company "competent to testify in its behalf."

Del. Blue Law Revision Committee Meets Soon

(Continued from Page 1)

likely hold its first meeting within 10 days.

The Rev. Ralph L. Minker, superintendent of the Ferris Industrial School, is the only member of the commission who is not a legislator. The other members are Senators George R. Clark, Harold W. T. Purcell, Paul R. Rinard, and Benjamin F. Simmons; Representatives Henry C. Canby, George W. Rhodes, Edward Knight, and John L. Barr.

The commission will report its findings and recommendations to the 1941 session of the legislature.

ALONG THE



WITH PHIL M. DALY

● ● ● STAID old Boston will awake today to greet the inauguration of the new movie season staged by Loew's Poli-New England division of theaters under Division Manager Harry F. Shaw.....and H. M. Addison who handles the Loew's State and Orpheum in Beantown.....it will be a festival in the form of a caravan of autos that will proceed to Worcester, Providence, Springfield, Hartford, Meriden, Waterbury, New Haven, Bridgeport.....and then to the World's Fair.....both Loew's State and the Capitol will be visited in a gigantic Broadway parade.....

● ● ● THIS year's caravan idea was conceived by Shaw and Lou Brown, director of advertising and publicity for the New England circuit.....the Crosley Company of Cincinnati has joined in the project by making up ten special Crosley cars in pastel shades.....the caravan will arrive at the Fair in time to participate in special goings-on scheduled for Saturday, Sept. 16.....

● ● ● BALLYHOOD as Loew's Poli Movie Hit Parade.....the festivities call for giant parades in every town visited.....the various Loew managers en route have lined up uniformed bands and marchers, radio announcements, newspaper space, co-op ads, floats, merchant co-operation and decorations.....and of course the Governors of the various states, as well as the Mayors of the towns, who will sign a special scroll which notes the fact that the industry is celebrating its Golden Jubilee.....

● ● ● THIS year a safety angle has been tied in with the caravan.....each car will be driven by a pretty Connecticut college girl costumed in swing skirt and collegiate sweater.....the cars will be bannered with new season selling copy.....the Loew managers handling local activities include Matt Saunders, Morris Rosenthal and Harry Rose of Bridgeport.....Bob Russell, Sam Badama and Bill Elder of New Haven.....Ed Fitzpatrick of Waterbury.....Joe Samartano of Meriden.....Jack Simons and Lou Cohen of Hartford.....George Freeman of Springfield.....Monk Maloney, Joe Anstead and Bob Portle of Worcester.....Howard Burkhardt and Fred Greenway of Boston.....and Eddie McBride of Providence....publicity activities in Boston are being handled by Joe DiPesa and Leo Longo of the local publicity staff.

● ● ● PRIZE BABY.....goes to work for exhibitors.....meaning that National Screen Service kid.....who will be seen in three New Season Announcement Trailers specially designed for the occasion.....the Industry Infant introduces the new product in typical joyful, conversational style, and follows through in each trailer to the point where the individual product of any exhibitor can be added without interfering with the continuity.....and done with snappy, catchy march music to carry the audience along.....

● ● ● A NATURAL.....there is Mack Littman sitting pretty with his film, "Double Crime In the Maginot Line".....a picture that shows actual scenes way deep down in the French fortifications made under auspices of the French government.....and here the War Crisis plumps Mack's baby right in the exhibs' lap...
● Flash: That March of Time issue also crashes over with its story of the U. S. Air Force....."Soldiers With Wings".....tied right in with the war news and answers the query on every American's lips: "Is our air force ready to protect us?".....

BRIT. THEATERS MAY REOPEN ON MONDAY

(Continued from Page 1)

possible conditions daytime exhibition and restricted audiences, with reopening orders to be authorized by the Air Raid Precautions Department and local area authorities.

Should the film theaters generally reopen on Monday, the interruption in exhibition would be comparatively brief—much briefer indeed than the most optimistic in the trade had anticipated. It was expected that the period of darkness might span weeks, even months.

Prompt resumption prospects were hailed by representatives of U. S. distributors as indicative that the British market was far from lost.

Warner Stars on Good-Will Tour to Aid Coast Indies

(Continued from Page 1)

away from Fox West Coast circuit.

Traveling in a special car, the stars and featured players will be accompanied by an elaborate ballyhoo staged in about a dozen cities in which they will make P.A.'s. Aside from the business end of the trip, the players will be entertained in each town.

First stop will be made at San Francisco, where the stars will meet Gov. Olsen, who is scheduled to be in that city on that date. Joe Blumenfeld of the Blumenfeld circuit will play host.

At Seattle, the party will be entertained by John Danz of the Sterling Circuit who has arranged for Governor Charles D. Martin of Washington to receive the players. Their Portland visit will be sponsored by J. J. Parker of the Majestic Amusement Co. and Gov. Charles A. Sprague of Oregon will tender them a reception. Blumenfeld will also entertain the players at Oakland and Sacramento as they trek back to Los Angeles.

Col. 53-Week Profit \$2,000 As Against \$183,392 in '38

(Continued from Page 1)

shows a considerable drop over the net profit of \$183,392 for a 52-week period in the previous year's financial report.

However, the balance sheet shows current assets of \$12,987,851 and current liabilities of only \$2,003,899. Gross income from sales and rentals of films and accessories was listed at \$19,413,794 in the report. Working capital was listed in the amount of \$10,985,000.

Fonda for "Grapes of Wrath"

West Coast Bureau of THE FILM DAILY

Hollywood—Darryl Zanuck today announced that Henry Fonda would play the role of Tom Joad in Twentieth Century-Fox forthcoming production of "The Grapes of Wrath."

PRODUCERS TO ADHERE TO THEIR SCHEDULES

(Continued from Page 1)

judgement as to "retrenchment" at the present time could not but bring adverse trade reaction.

Comments from Barney Balaban, Murray Silverstone, J. Cheever Cowdin, W. Ray Johnston and other execs. were as one in the company heads' policy of "going ahead" without any change in production plans. Silverstone stated the company was "definitely going ahead with its plans as per schedule." Cowdin said Universal was not contemplating any change in production plans, and that the program of pictures being sold to exhibitors would be unaltered. Johnston was just as emphatic in stating that his company would adhere to its original plans.

Balaban stated that Paramount would in no way alter its production plans, and was so far ahead in its new season's program that commitments already made would prevent any changes even if they were contemplated. He expressed the opinion that nobody could view the situation accurately at this time, and was confident that theaters in the Continental countries would not stay shuttered any length of time.

Previously, Herman Wobber, distribution head of 20th-Fox, had expressed the same opinions to THE FILM DAILY, and Walter J. Hutchinson, foreign director of distribution for the company had pointed out that theaters have remained open in China and Spain and that there was no reason to believe they would be closed for any length of time in Europe; other foreign heads reiterated Hutchinson's comments.

Industry leaders pointed out that it was impossible to take a long range view of the situation at the present time as there can be a base only for theory, and not for definite opinions that would guide policy changes.

It was deemed significant yesterday that amusement stocks and bonds, after moving downward for several days, showed more gains than losses. In Wall St. circles the opinion was expressed that the recent decline in film stocks was due as much to the traders desire to take advantage of the upward flight of war babies as anything else. After quick profits had been realized, it was felt that the money taken out of amusement stocks largely would go back.

News of theater reopenings on a wider scale in Europe yesterday was welcomed in the industry. This news was asserted to be a sure sign that European governments expected to keep the public entertained by every means possible, with only theaters likely to stay closed or be blacked out in heavy industrial areas that would be targets for air raiders.

It was also stressed in no uncertain terms by different execs. that talk and printed reports of drastic retrenchment programs, productions slashes, and loss of markets were

Report Fans Demanding Roosevelt's Radio Talks on Theater Loud Speakers

Atlantic City—Popularity of President Roosevelt with movie audiences is growing, according to a report made at the convention of Allied Theater Owners of New Jersey in session here, and audiences are demanding that house managers put his radio talks on their loud speaker system.

largely "loose talk" at this time. Notably few production changes have been announced in Hollywood in the past few days, and with the exception of one case, it was a question of casting difficulties brought about by the fact English players were unavailable, necessitating slight delays in production.

War Not to Delay Para.'s New \$12,000,000 Studio

West Coast Bureau of THE FILM DAILY

West Los Angeles—Signaling the beginning of activity on Paramount's new \$12,000,000 studio project here William Pereira, nationally famous in industrial developments, has been engaged as chief architect for the new plant, it is announced by T. Keith Glennan, Paramount operations manager.

Coincident with the engaging of Pereira, Glennan announced that actual construction work on the new Paramount Studio will start when necessary ordinances are obtained and the storm drain contract for that area completed. The European war will not affect the project.

War Holds Two 20th-Fox's "Uncensored" Actors in Eng.

West Coast Bureau of THE FILM DAILY

Hollywood—The production of the picture "Uncensored," formerly titled "Scotland Yard," has been temporarily deferred at the 20th Century-Fox studios, it was announced, because Jane Baxter and Edmund Gwenn, who were to share leads with Warner Baxter in the picture, are still in England. This is the only 20th Century-Fox production that has been affected so far by war conditions. Another picture will be substituted for it on the company's release schedule.

Goldwyn Ready War Film, Para., 20th-Fox Buy Stories

West Coast Bureau of THE FILM DAILY

Hollywood—Producers here are showing further evidence of turning to war pictures with three more such films announced. Samuel Goldwyn announced that he would immediately start preparation on a story entitled "Blackout Over Europe," and Paramount announced the purchase of a story entitled "Battalion of Death." 20th-Fox has bought film rights to "The Tanganyika Exploit," a factual story dealing with a British and German naval battle on Lake Tanganyika during the World War.

Warners Have 19 Features Completed at Coast Plant

Warner Bros. has 19 features actually completed for release during the new season which starts this week. This approaches one-half of the studio's program as a total of 48 pictures are planned for 1939-40.

Rubin's Gift of 1,660 Shares Cuts His Holdings in Loew's

(Continued from Page 1)

vealed today in the SEC's semi-monthly summary of security transactions and holdings for the period from Aug. 1-10. Rubin still holds 31,415 of the common shares, it was reported.

The 20th Century-Fox Film report stated that Joseph M. Schenck has disposed of 4,300 shares of \$1.50 cumulative preferred and now holds 18,284 shares and 108,943 shares of 20th Century's common stock.

John Hertz holds 1,000 shares of Paramount Pictures' common stock and an additional 100 shares through Lehman Brothers, it was reported. Report of Pathe Film Corp. states Thomas P. Loach has acquired 2 shares of common bringing his total common holdings to 18 shares and Kenneth M. Young has disposed of 900 shares of common, leaving him 400 shares.

In an April, 1939 report Joseph Bernhard reports he has exchanged 8,000 of Warner Brothers' optional 6 per cent convertible debentures for new debentures. He also holds 500 shares of Warners' common stock, Bernhard stated.

Monogram Pictures report states W. Ray Johnston has disposed of 847 options for common and now holds 5,350 of the options and 62,383 shares of common.

Leslie E. Thompson has acquired 500 shares of Trans Lux common stock as compensation, bringing his total holdings to 4,000 shares.

Code Situation Remains in Status Quo—Rodgers

(Continued from Page 1)

for the Distributors Negotiating Committee.

Rodgers conferred yesterday with Ed Kuykendall, MPTOA prexy, on the problem presented by the Department of Justice's rebuff, and the possibility of effecting trade reforms and a further conference is scheduled for tomorrow.

Rodgers said yesterday that some confusion was evident with regard to his recent conferences with executives of the Independent Theater Owners of Southern California and Arizona. Rodgers stated that he merely had promised to check on the code situation upon his return East and advise the unit which will meet in Los Angeles tomorrow.

Accordingly, he will notify the exhib. association that the situation is unchanged since his statement following the D of J's rebuff.

HAYS OFFICE DENIES UA HAS RESIGNED

(Continued from Page 1)

its resignation," it was stated by former Gov. Carl E. Milliken, MPPDA secretary.

Murray Silverstone, UA's top executive, said he did not care to discuss the published story.

At the Hays Office, it was further stated that there had been no resignations received from producers distributing through UA.

The published report tied the alleged UA action to policy differences and mentioned, further, UA-B & K product negotiations.

In this connection, it was pointed out that, as constituted, the field of competition is wholly outside the scope of the MPPDA.

Newman at Burbank on Shorts

West Coast Bureau of THE FILM DAILY

Burbank—E. M. Newman, who has been producing travelogues in association with Warner Bros.' Vitaphone studio in Brooklyn, has joined the Burbank organization to make a series of short subjects under supervision of Gordon Hollingshead. Series will be based upon the Ten Commandments. Initial script is now being readied.

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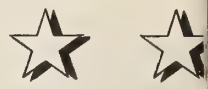
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REVIEWS OF THE NEW FILMS



"Everything's On Ice"

with Irene Dare, Roscoe Karns, Edgar Kennedy

RKO Radio 65 Mins.
(HOLLYWOOD PREVIEW)

SKATING ENTHUSIASTS AND WOMEN GENERALLY WILL FIND MUCH TO AMUSE AND INTEREST THEM IN LOVE STORY REVOLVING AROUND A SKATING RINK.

Here six-year-old Irene Dare displays her unusual skill as a skater and performs every type of skating with grace and finesse. In addition she has much personality and appeal. Erle Kenton did a splendid job of directing, while Sol Lesser has provided an attractive production. Roscoe Karns has a field day as a fast-talking promoter, who is always getting his relatives in trouble. Edgar Kennedy gives one of his best performances as the father of Irene, while Lynne Roberts, Eric Linden, Mary Hart, George Meeker and Wade Boteler are among the other capable members of the cast. Adrian Landis and Sherman Lowe fashioned an amusing screenplay. Dave Gould staged the attractive ice numbers. Kennedy has saved money to buy a barber shop, but Karns, his brother-in-law, borrows money from him to finance a trip to a Miami, Fla. night club, where Irene is to put on her skating act. Irene's mother, Mary Hart, and her comely sister, Lynne Roberts, also make the trip. In Miami, Karns meets George Meeker who, he believes, is a millionaire and tries to interest Lynne in him. However, Lynne's "heart belongs" to Eric Linden, who, because of his frugal habits, makes Karns believe he is poor. Karns breaks up the romance between Lynne and Eric, but when Kennedy arrives on the scene, he gives Eric new hope. Eric renews his courtship and wins Lynne, and then it develops Eric is a millionaire. Eric loses no time in buying a swanky barbership for papa-in-law, Kennedy.

CAST: Irene Dare, Roscoe Karns, Edgar Kennedy, Lynne Roberts, Eric Linden, Mary Hart, Bobby Watson, George Meeker, Mary Currier, Maxine Stewart, Wade Boteler.

CREDITS: Producer, Sol Lesser; Director, Erle C. Kenton; Screenplay, Adrian Landis and Sherman Lowe; Music Director, Lud Gluskin; Dance—ice numbers by Dave Gould; Orchestrations, Amedeo de Filippi; Songs, "Birth of a Snowbird" by Victor Young and Paul Webster; "Everything's On Ice" by Milton Drake and Fred Stryker; Cameraman, Russell Metty; Art Director, Lewis J. Rachmil; Editor, Arthur Hilton.

DIRECTION, Good. PHOTOGRAPHY, Okay.

Kendis to Hot Springs

Cleveland—Philip Kendis, head of Exhibitors Poster Service, who has been laid up for the past month with a back ailment, has gone to Hot Springs, Arkansas to complete his cure.

Promote Sugar Bockelage

Cincinnati—Sugar Bockelage, local Paramount secretary to Joe Oulahan, has been promoted and transferred to the District offices, Los Angeles, and reports for duty on Sept. 18th.

The Three Mesquiteers in "New Frontier"

with John Wayne, Ray Corrigan, Raymond Hatton

Republic 56 Mins.

NOVEL PLOT PLUS PLENTY OF SWIFT ACTION COMMENDS THIS ONE TO OUT-DOOR FANS.

From a story point of view, The Three Mesquiteers, in this most recent saga of their heroic exploits, are in unique roles due to the honesty of purpose of scenarists Betty Burbridge and Luci Ward. The latter, in fact, are the heroes of the opus, for they effectively put the Three Mesquiteers and their fellow rancher of peaceful Hope Valley in a human, but nevertheless totally wrong legal position in the plot. Briefly what happens is this, and it is refreshing for all its straightforwardness. The State decides to build a dam and condemns the property of the ranchers for this progressive purpose, compensating each, admittedly fairly in the dialogue, for their land. But the ranchers regard their valley as exceptionally home, sweet home, and decide to fight. And fight they do, led by the Three Mesquiteers. The only justification for the prolonged scrap are the methods used by the law and its allies. Sympathy goes out to the ranchers when they are hoodwinked by a phony realty operator who wants to transplant them over the ridge to new pastures, but this is but a regrettable twist of human nature. At the finale, they find their new "homeland" an Eden, and all turns out for the best. Footage is studded with mass riding of horsemen, blazing guns and fisticuffs, and it will all sit comfortably on the chests of fans who like excitement wholesale. To boot, there is the "battle of the dam," at which John Wayne turns off the water which is flooding the valley, placing the wagon train in jeopardy. At the wind-up, however, the love interest which has been soft-pedalled for more important thrills, is left suspended in the prairie air. Cast turns in solid performances, direction is good and ditto photography.

CAST: John Wayne, Ray Corrigan, Raymond Hatton, Phyllis Isley, Eddy Waller, Sammy McKim, Leroy Mason, Harrison Greene, Reginald Barlow, Burr Caruth, Dave O'Brien, Hal Price, Jack Ingram, Bud Osborne, Charles Whitaker.

CREDITS: Associate Producer, William Berke; Director, George Sherman; Original Screenplay, Betty Burbridge, Luci Ward; Production Manager, Al Wilson; Cameraman, Reggie Lanning; Editor, Tony Martinelli; Musical Score, William Lava.

DIRECTION, Good. PHOTOGRAPHY, Good.

Brookline Loses Theater

Brookline, Mass.—A petition seeking to build a \$150,000 theater at Cleveland circle, Brookline, was withdrawn Aug. 31 by the New England Theaters, Inc., from the Brookline Board of Selectmen, with the announcement that the theater would be erected on the Brighton section of the site selected.

"Wall Street Cowboy"

with Roy Rogers, George "Gabby" Hayes
Republic 66 Mins.

HITS NOVELTY ANGLE WITH COWBOYS WHOOPING IT UP BACK EAST.

In this Roy Rogers adventure, most of the action takes place in the East, where the hero goes with his two pals, "Gabby" Hayes and Raymond Hatton, to try to raise funds to pay off a mortgage on his ranch. He approaches a Wall Street financier, who was an old friend of his father's, but meets with rebuffs due to the fumbling tactics of his two well-meaning pals, and the machinations of the financier's race-horse trainer, who is working with a gang out West to take over the ranch. Rogers believes there is gold on his ranch through one of "Gabby's" wild tales, and when the sample is assayed and the Wall Street mogul learns that there is no gold but is rich in molybdenum, he gets in back of the hero to the limit. There are many thrills and adventures, including a horse race in Long Island that Rogers wins, a fight with gangsters hired by the trainer to do away with his rival from the West, and finally all hands are back at the ranch where a showdown occurs with the crooked banker who is trying to secure the ranch. There is a good scrap at the finale, with Rogers in the clear as his rich ore deposit is found on the ranch, and curtains for the villain who had been trying to gum everything up and win the girl. Some fine character work is contributed by "Gabby" Hayes and Raymond Hatton.

CAST: Roy Rogers, George "Gabby" Hayes, Raymond Hatton, Ann Baldwin, Pierre Watkin, Louisiana Lou, Craig Reynolds, Ivan Miller, Reginald Barlow, Adrian Morris.

CREDITS: Producer, Joseph Kane; Director, same; Author, Doris Schroeder; Screenplay, Gerald Geraghty, Norman Hall; Cameraman, Jack Marta; Editor, Lester Orlebeck.

DIRECTION, Good. PHOTOGRAPHY, Fine.

S-I Signs Joan Fontaine

West Coast Bureau of THE FILM DAILY
Hollywood—David O. Selznick has signed Joan Fontaine to a long-term contract. Her first assignment will be the feminine lead in "Rebecca" under Alfred Hitchcock's direction. Pix goes before the cameras today.

Loder Subject to Brit. Call

West Coast Bureau of THE FILM DAILY
Hollywood—John Loder, one of the leads in Paramount's "Portrait in Diamonds," just completed, is a reserve officer in the British forces and subject to call.

Leichter Closes Thomas Deal

Deal has been closed by Mitchell Leichter with Harry Thomas whereby Thomas will distribute the Leichter production, "Sudan," in the New York and New Jersey territory, it was announced yesterday.

"The Spellbinder"

with Lee Tracy, Patric Knowles, Barbara Read

RKO Radio 69 Min.

UNCONVINCING STORY WITH LEE TRACY WORKING VALIANTLY TO SAVE IT.

A drama of the underworld mouthpiece with Lee Tracy in the role saving the film from being pretty much of a dud. Here an example of changing moods in the concoction of the scenario. It could be melodrama, comedy, satire, or even burlesque if certain sequences are taken as examples of mixed styles in writing. Consequently the film story fails to carry conviction, and the adroit work of that experienced troupe, Tracy, avails little. It is the tale of the underworld attorney who wants to appear respectable in his daughter's eyes, and retain her love. Barbara Read as the daughter walks through her part and lines like a girl enjoying herself at a lawn party. He saves his underworld client, Patric Knowles, a smoothie with class, from murder rap, and later stands trial for the murder of his client when the latter elopes with his daughter to try to seal his lawyer's lips by marrying into the family. There are some clever court room scenes, and some good surprise twists, but they fail to save a very disjointed and unconvincing story.

CAST: Lee Tracy, Barbara Read, Patric Knowles, Allan Lane, Linda Hayes, Morgan Conway, Robert E. Keane, Roy Gordon, Robert Strange, Elliott Sullivan, Leonid Kinskey.

CREDITS: Producer, Cliff Reid; Director, Jack Hively; Author, Joseph Anthony; Screenplay, Thomas Lennon, Joseph A. Fields; Cameraman, Russell Metty; Editor, Theron Warth.

DIRECTION, Weak. PHOTOGRAPHY, Good.

Managerial Assignments Announced by Schine

Gloversville, N. Y. — Managerial changes announced at the Schine home office here today include the transfer of Pat McGee, Eckel, Syracuse, to the Paramount, Syracuse. Erle Wright goes from the Paramount to the Strand, Syracuse, which is reopening after a Summer closing. Sidney Holland, Elkhart, Ind., a new member of the Schine force, goes in as manager of the Eckel, Syracuse.

William F. Burke goes in as manager of the Palace, Auburn, which is reopening after a Summer closing. Leon Feldman, formerly assistant manager at the Strand, Amsterdam, becomes manager of the Regent, same city, reopening for the Fall and Winter.

Donald Rich takes over as manager of the Palace, Watertown, also reopening.

Bob Daly, formerly assistant manager at Glove, Gloversville, is the new manager of the Arcade, Salisbury, Md., replacing Herb Brown who goes to Waller, Laurel, Del., as manager. Floyd Shear, who was at Waller, takes over at State, Cambridge, Md.

REVIEWS OF THE NEW FILMS

☆ SHORTS ☆

Soldiers With Wings" (March of Time)

RKO Radio 20 Mins.
Timely and Inspiring

Answering dramatically, excitingly, inspiringly, the present vital question: Will America's air forces be ready? And the answer is an emphatic "Yes." Here is the U. S. Air Corps parading in the air before your eyes, produced with the full co-operation of the authorities, a picture that will stir the pulse of every American. It is done with dignity and impressiveness, not a single blah-blah note or touch of flag-waving or propaganda. And not a tinge of propaganda. Here it is in all its stark reality, the air armada of the nation sweeping through the sky, wave on wave of air ships, from the fast pursuit planes to the mighty air fortresses weighing 25 tons. Here is a film, Mr. Exhibitor, that will bring a great sense of comfort and security to everyone in your audience. In spite of all that has been written in newspapers and magazines about the \$200,000,000 program of the government to build up this gigantic air force, a viewing of this inspiring picture will do more to impress the nation than all that has been set down in cold type. Here it lives and moves before your eyes, and leaves you breathless. Every phase of Air Corps work and training is shown. Coming at this critical time with the terror of air bombing in Europe holding the entire world in a grip of fear, here is a film that every exhibitor should show as a public duty as well as offering vital information to the people and reassuring them as to the nation's preparedness for defense in the air. The film is a splendid example of expert editing and brilliant photography. The M of T staff are to be congratulated for a really outstanding production.

"Zoo"

(RKO Pathe Reelism)

RKO Pathe 9 Mins.
Top-Flight Subject

Though all the zoos of America, and elsewhere, offered potential locales for the mere asking, Producer Fredric Ullman, Jr., wisely selected the St. Louis colony of fauna. Thus he succeeds in bringing back alive-with-interest a short subject which is bound to click with pix fans everywhere, young and mature alike. In some respects, the footage is more fascinating than any circus, for the animals are viewed in settings closely resembling their natural habitats. Further, they appear so contented under the care of their keepers and trainers that any suggestion of returning them to jungle, forests or mountain fastness might well evoke a petition to the SPCA. The only

"Coast Guard"

with Randolph Scott, Ralph Bellamy, Frances Dee

Columbia 71 Mins.

COLORFUL MELLER OF COAST GUARD SERVICE WITH THRILLS SPICED WITH ROMANCE.

Carries a lot of colorful thrills in a meller of the Coast Guard activities, spiced for the femme trade with a good sentimental yarn as the two buddies scramble for the same girl. Built for the dual houses, and it will go strong with the youngsters on the thrill stuff. Randy Scott is the fortunate lad who wins the girl, while the steady-going Bellamy steps aside sportingly for his pal, but his heart still yearns for Frances Dee. Frances looks swell, and you can't blame him. But Scott is a happy-go-lucky boy who likes to spend his time off duty with the boys and thus neglects his newly married wife. Heartbreak on her part, and solace from her other sweetheart, who is sent on an expedition to the frozen North. Here he gets lost, and the radio messages finally bring his pal to the rescue, Scott being the flying daredevil of the Coast Guard. He goes after his buddy only when his wife who has left him urges him to do the sporting thing. Thus when he brings his buddy back from the freezing death, his wife forgives all. The hoke is piled on thick, and some people will sniff. But for the kids and sentimentalists, a pushover.

CAST: Randolph Scott, Frances Dee, Ralph Bellamy, Walter Connolly, Warren Hymer, Robert Middlemass, Stanley Andrews, Edmund MacDonald.

CREDITS: Director, Edward Ludwig; Original Screenplay, Richard Maibaum, Albert Duffy, Harry Segall; Cameraman, Lucien Ballard; Editor, Gene Milford.

DIRECTION, Good. PHOTOGRAPHY, Okay.

Ochs Promotes Three

Cleveland — Herbert Ochs, local Vitaphone branch manager announces the following promotions from the ranks: Ralph Salyer, city booker, becomes Vitaphone salesman out of the Cincinnati office; Larry Kreusser moves up into Salyer's position and Bein takes over Kreusser's booking duties. This leaves a vacancy in the booking department still to be filled.

Acquire Cleveland House

Cleveland—Announcement is made that Gabe Rubin, who has operated the Art Cinema Theater in Pittsburgh for five years and his associates including Ralph Rose of Cleveland, have taken over the Penn Square Theater, and will open it about Sept. 20th with a foreign film policy.

barriers used in the St. Louis Zoo, except for the most dangerous beasts, are to keep the public in check rather than the animals. Material is splendidly photographed and is a top-flight job throughout. There is high amusement for everyone witnessing the scenes.

"Death of a Champion"

with Lynne Overman, Virginia Dale

Paramount 67 Mins.

ENTERTAINING COMEDY OF LYNNE OVERMAN PEPS UP ROUTINE MURDER MYSTERY.

Lively murder mystery with accent on the comedy, which is expertly and entertainingly contributed by Lynne Overman as a pitchman who follows state fairs featuring dog shows, his racket being the selling of encyclopedias which he puts over with a camera-mind act, his memory being nothing short of marvellous. The champion is a Great Dane that is murdered. Overman's assistant, young Donald O'Connor, fancies himself as an amateur detective, and his nosing into the murder mystery drags his chief in in an effort to solve the crime, which is repeated with other murders. The entire piece seems to have been written to present Overman's unique comedy talents, and it is highly successful, for the professor with the photographic mind keeps you entertained and amused without a struggle. Nice performances by the love interest, Virginia Dale, and the up and coming youngster, Donald O'Connor.

CAST: Lynne Overman, Virginia Dale, Joseph Allen, Jr., Donald O'Connor, Susan Paley, Harry Davenport, Robert Paige, May Boley, Hal Brazeale, Frank M. Thomas, David Clyde, Walter Soderling, Pierre Watkin, Bob McKenzie.

CREDITS: Director, Robert Florey; Author, Frank Gruber; Screenplay, Stuart Palmer, Cortland Fitzsimmons; Cameraman, Stuart Thompson; Editor, Archie Marshak.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Island of Lost Men"

with J. Carrol Naish, Anna May Wong, Eric Blore

Paramount 63 Mins.

MELLER HOKE MADE FOR THE THRILL FANS GIVES J. CARROLL NAISH SINISTER ROLE.

A wild and meller tale of the Malaysian jungle, which is distinguished by the work of some fine actors that might have been employed to better advantage in a more intelligent story. It is a remake of "White Woman" in which Charles Laughton and Carole Lombard appeared about six years ago. For the cheaper spots where the audiences like their thrills regardless, this will hit the bell right in the center. J. Carrol Naish plays a most villainous part as a gun-runner and head of a jungle empire where he rules the Malaysians ruthlessly. Anna May Wong, daughter of a Chinese general who has absconded with government funds, arrives in the Straits Settlements in search of him. There she meets Naish, and is persuaded to accompany him in search of her dad, she suspects the bandit has her father a prisoner. Arrived in the jungle events unfold with plenty of excitement, and involve the good work of such fine performers as Eric Blore, Broderick Crawford, Ernest Truex. Selling angles: jungle adventure, with Anna May Wong the beautiful Oriental pawn.

CAST: Anna May Wong, J. Carrol Naish, Eric Blore, Ernest Truex, Anthony Quinn,

"Range War"

with William Boyd, Russell Hayden

Paramount 64 Mins.

PIP HOPALONG CASSIDY THRILLER MOVES FAST WITH GOOD HUMAN TOUCHES.

Another strong thriller in the Hopalong Cassidy series, with the hero playing the part of an outlaw in order to uncover the scheme of a greedy rancher to spoil the efforts of the other ranchers to build a railroad spur. He controls the right of way for the transportation of cattle, and charges an exorbitant toll. Hopalong suspects that the stealing of the payroll for the railroad workers is part of this rancher's plan to discourage the effort. By impersonating a bandit and holding up another stage with the second payroll, the "plant" is set for him to go to jail with the real bandits who try to take the loot from him. Then the "escape" from jail, and thus the hero is in the confidence of the gang, and sets the trap for the uncovering of the rascally rancher. There is a pip of a finish fight, with plenty of gun-play. Britt Wood is a newcomer handling the comedy assignment, replacing George Hayes who formerly handled this assignment for the series.

CAST: William Boyd, Russell Hayden, Willard Robertson, Matt Moore, Pedro de Cordoba, Betty Moran, Britt Wood, Kenneth Harlan, Francis McDonald, Don Latorre, Glenn Strange, Earl Hodgins, Stanley Price, Jason Robards.

CREDITS: Producer, Harry Sherman; Director, Lesley Selander; Author, Josef Montague; Screenplay, Sam Robins; Cameraman, Russell Harlan; Editor, Sherman A. Rose.

DIRECTION, Very Good. PHOTOGRAPHY, First Class.

"Rulers" L. A. Premiere

West Coast Bureau of THE FILM DAILY Hollywood—Next of Hollywood's bigger productions to be given an elaborate pre-release opening in the cinema capital for the press will be Paramount's new Frank Lloyd production "Rulers of the Sea." The press premiere will be staged Tuesday at Carthay Circle Theater.

Budd's Poison Oak

Ralph Budd, Warner Bros.'s personnel manager, has returned to his desk at the home office, following a one-week's vacation, during which he contracted a case of poison oak on the nape of his neck.

Adopting Repertory Policy

Fifth Ave. Playhouse concludes its international film festival over the week-end and on Monday will inaugurate an international pix repertory policy.

William Haade, Broderick Crawford, Rudolf Forster, Richard Loo.

CREDITS: Producer, Eugene Zukor; Director, Kurt Neumann; Authors, Norman Reilly Raine, Frank Butler; Screenplay, William R. Lipman, Horace McCoy; Cameraman, Karl Struss; Editor, Ellsworth Hoagland.

DIRECTION, Fair. PHOTOGRAPHY, Okay.

SEES INDIA IMPORTING 200 MORE U. S. PIX

(Continued from Page 1)

of the Indian Motion Picture Congress.

Patel, here to confer with distributors and producers with a view to improve Indian-American relations, pointed out that India, with 1,200 established theaters, 300 more now building and 500 itinerants, requires from 700 to 800 pictures annually.

British studios have been supplying 200, American producers, 300, and the others have come from native studios. With British production halted, Indian theaters will seek U. S. product to fill the gap, Patel asserted. War trade will give India a wave of prosperity, he forecast.

The Indian editor leaves for the Coast next Tuesday to confer with producers, and will urge the production of sympathetic India themes and stories. In this connection, he cited "The Rains Came," just produced by 20th-Fox, as an example.

With American product well liked in India, Patel declared Hollywood studios have an unparalleled opportunity to capture the Indian market for all time.

"We welcome the use of Indian color in American films," he commented. "All that we ask is that India be presented as it really is, not as land of barbarians."

Cummins to Produce Six With Fiedler Bros. Color

West Coast Bureau of THE FILM DAILY

Hollywood—Sam Cummins will produce six features, using Fiedler Bros. color process. J. G. Bachman will be associated with Cummins in the project. Shooting will start in about 30 days and the pictures will be designed for major release.

Cummins also plans to re-make "Ecstasy" in color, in Hollywood, with a new feminine discovery. He is en route to New York, but will return to Hollywood in a few weeks.

Jesse J. Goldberg Here

Jesse J. Goldberg of Los Angeles, who has been appointed by the United States Court for Southern California to liquidate the motion picture assets of Conn Productions and Ambassador Pictures in bankruptcy, is stopping at the Hotel Breton Hall.

Labor War Over Pix

Pittsburg, Calif.—Local labor factions here are warring over Para's "Our Leading Citizen," being shown at Enean Theater. CIO pickets carried banners before theater assailing the picture while A F of L leaders called a meeting and endorsed the film, saying the picketing was Communistically inspired.

The War and the Industry

... Roll up the sleeves, go to work

(Continued from Page 1)

up its shirt sleeves and go to work. For crying, "Wolf! wolf!!" will not solve the problem; only work can. And for that work, there must be assured high industry morale.

NOT unnaturally, as the industry feels the first impact of the struggle overseas there is a tendency to sketch the darkest possible picture. Yet both experience and cold logic are re-assuring. Granted that the British and French markets have been revenue mainstays, that some loss there must be anticipated, and that moneys may be frozen, these facts seem self-evident:

With their native industries at a standstill save for the production of propaganda pictures, both the United Kingdom and France (and their dominions and dependencies) will be generally dependent upon American entertainment films. It is indicated that the quota is to be suspended, freeing American companies from a heavy production investment in England. The French visa system already is in the discard. And of course the Franco-German film agreement went out with hostilities.

Already some theaters in England have reopened, and cables to THE FILM DAILY yesterday indicated that the Home Office may permit all war-darkened theaters to reopen Monday. Reopening of French theaters also may be anticipated for both in Spain and China exhibition proceeded during hostilities.

As for the important Australian market, there is the opinion, jointly held by Paramount's John Hicks, just returned, and Dan Carroll, leading circuit operator, that the war will little affect both distribution and exhibition there, aside possibly from higher taxation. It is reasonable to expect the same situation will rule in South Africa.

THE German film industry, on the other hand, faces well nigh fatal losses abroad. Its foothold in Spain fades, it necessarily becomes a negligible factor in Italy and Japan, and its inroads in Central and South America are ended. Eventually, if not immediately, the American industry will take up the slack.

Turning to the domestic market, these facts seem self-evident: Production is geared to exhibition, which is to say that the number of pictures produced is required to meet exhibition needs. No shrinkage in the latter is indicated. The stock market more than hints of a war-time prosperity, and prosperity, whatever the variety, means more spending for amusement. Theater attendance reasonably may be expected to rise, not decline. And after the first rush to realize upon "war baby" investment profits is over, amusement issues may be expected to rebound and climb.

Admittedly, there is greater need for cultivation of the domestic market than ever before; that means greater selling emphasis all along the line, no less by exhibition than distribution. As to exhibition's potentialities, it is well to recall the Hays Office estimate that there are still 26,000,000 persons over 12 years of age in the United States who do not go to film theaters more than five times a year, and there are millions more who cannot be considered regular film patrons. Part of the answer to the industry's war-time problem may be found there.

AND another part may be found in cutting production waste,—in cost conservation, not in horizontal retrenchment. Billy Wilkerson of the Hollywood Reporter said it ably when he wrote this week, "The loss of income, temporarily, or for however long it will exist, must be met NOT by salary slashes; NOT by cutting thousands off the payrolls; NOT by acts that will disturb our peoples working here in the industry and, as a consequence, disturbing the public it serves and further lowering the amount of tickets sold in our theaters. The problem MUST be approached with common sense, with an intelligence for the problem the whole industry faces, for the men and women who are making their living from it."

N. J. ALLIED WEIGHS WAR'S EFFECT ON PIX

(Continued from Page 1)

lied director, told the assemblage that experiences of 1914-1918 could not be counted upon in this present crisis.

Allied President George Gold who presided, stated exhibitors should keep costs as low as possible. He stated that the day war was declared by England and France, box offices dropped considerably and radio was blamed. "We can only guess on the future," he stated, "and prepare ourselves against any attempt to raid our box offices."

One of the highlights of the session was the appointment of a committee to investigate the matter of double features and discover whether or not it will be advisable for the convention before adjournment to adopt a single feature policy for New Jersey. It was pointed out that duals are common in this state but the situation was not as bad as in Chicago where some theaters run three and four pictures. A visitor from Connecticut stated that double features were a necessity in his state.

Col H. A. Cole, president of National Allied, stated that as far as he could see there was little that could be done as the public is demanding double features. He will speak at length at today's session.

Other national officers here include Herman Blum, Maryland, Treasurer; Frank Lydon, Boston, vice-president, of Eastern Regional Conference. General Counsel Abraham F. Myers is expected today.

Projectionists Strike in Detroit is Averted

(Continued from Page 1)

Theaters, through a committee headed by Edgar E. Kirchner.

Terms of settlement provide for increases in theaters as follows: up to 549 seats, \$3.00; 550 to 749 seats, \$4.00; 750 to 1,000 seats, \$4.00; and 1,001 to 1,499 seats, \$3.00; over 1,500 seats, no increase.

Overtime rates in houses up to 1,500 seats are raised approximately 25 per cent. No change in working conditions is made. Union proposal for two weeks' vacation with pay has been shelved for the time being.

The settlement averts any chance of a projectionists' strike, rumored here for several days.

What Is This?

Grand Rapids, Mich.—Management of the State Theater has added prizeless Beano to the Saturday night program. Action was prompted by a prizeless Beano game held in a garage that drew 600 men and women.

Beano is taboo in Michigan, but because the State offered no prizes, a warrant was not issued.

Intimate in Character
International in Scope
Independent in Thought

THE FILM DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V. 76, NO. 48

NEW YORK, FRIDAY, SEPTEMBER 8, 1939

TEN CENTS

Canadian Indies Set Plan for National Clearance Board METRO'S PRODUCTION PLANS UNAFFECTED--SCHENCK Neely Bill to Pass, Cole Tells New Jersey's Allied

Good Business

... and India's wishes

By CHESTER B. BAHN

It is only good business to heed a customer's wishes.

And if that is true in normal times, it is doubly true in abnormal times.

With that much of an introduction, a bit of attention this morning to the essential timeliness of the present visit to the United States of Baburao Patel, leading Indian journalist and quasi-official spokesman for nationalistic India.

Patel's mission, simply stated, is to point out to American producers and distributors the desirability of avoiding stories and themes offensive to national Indian sentiment. The alternative, Patel frankly states, is censorship plus the powerful Indian weapon, the boycott.

But it should be unnecessary to stress that alternative. The American industry is dedicated to the production and distribution of salable film merchandise and under such circumstances the expressed wishes of a market comprising some 400,000,000 potential film patrons hardly will be ignored.

Particularly in view of the fact that, as a result of the European war, such market can absorb 200 more American features annually to replace those customarily imported from England.

SPEAKERS at the New Jersey Allied convention, which closes at Atlantic City today, naturally have paid some attention to the possible effect of the war upon exhibition. Among the opinions expressed are: (1) Radio newscasts will keep Americans at their receivers, with the box-office subsequently suffering, and (2) Newsreels no longer will be a theatrical magnet because of the competition from newspapers' wirephoto and radiophoto services.

Perhaps... but it strikes this commentator that both are highly debatable. Already radio wisely is curtailing its war news and indeed in some spots, exhibitors report radio's war news "opposition" as without noticeable effect on grosses. That condition reasonably may be expected to widen, not contract as an amusement-seeking public becomes weary of war talk.

As for the newsreels, the speedy trans-

(Continued on Page 2)

Urges United Front Against Monopoly, Preservation of Pix Quality

By W. H. McMAHON

FILM DAILY Staff Correspondent

Atlantic City — The New Jersey Allied Theater Owners in convention at Atlantic City yesterday heard national president, Col. H. A. Cole, predict passage of the Neely bill, urge a united front against monopoly within the industry, and repeat the hope of the convention that the European crisis would not lower the quality of production.

The exhibs. also heard H. M.

(Continued on Page 6)

CHI. CONTEMPT CASE DISMISSAL IS ASKED

Chicago — RKO, Warner Bros., Universal, United Artists, Loew's, Inc., Paramount and 20th Century-Fox, and B & K attorneys sought dis-

(Continued on Page 7)

Union-Exhib. Parley Will Tackle St. Louis Dispute

St. Louis, Mo. — Conference between local theater owners and officials of the ushers and stagehands

(Continued on Page 8)

MOMAND FILES EQUITY ACTION

Majors and the Griffith Co.
Are Named in New Suit

Oklahoma City—A. B. Momand, in the name of his Oklahoma Theaters, Inc. has filed an equity suit in Federal District Court here asking the court to direct the film companies to contract with his company for second-run pictures for his Odeon Theater at Shawnee, at prices charged in districts of similar location and population.

The petition charges the film companies with failure to book first, second, third or even fourth-run pictures into the Odeon and states that

(Continued on Page 3)

AAAA BOARD FAVORS "ONE BIG UNION"

Merging of the AAAA member unions into "one big union" will in all probability be effected in the near future following yesterday's meeting of the organization's international board to appoint a committee

(Continued on Page 8)

Too Early to Determine War Effect, His View—Yates Optimistic

By HOLLIS KENNAHAN

FILM DAILY Staff Writer

"Metro's production plans are unaffected by the European situation at the present time as it is too early for anybody to determine what effect the war will have," Nicholas M. Schenck, president of Loew's, Inc., told THE FILM DAILY yesterday.

Schenck expressed the opinion European theaters, now darkened as a result of the hostilities, would be reopened as it would be necessary to provide the public with entertainment.

A statement, in kind, came from Herbert J. Yates as he returned to

(Continued on Page 6)

BRITISH PRODUCTION TO PARTIALLY RESUME

Further slants on the British situation came in cables received in New York yesterday. The Government was represented as desirous that both production and exhibition be resumed under such restrictions, however, as the war emergency

(Continued on Page 8)

\$35,310 Six Months Net Reported by Pathe Film

Financial report issued yesterday by Pathe Film Corp. covering the six months ended June 30 shows a net operating profit of \$35,310.54. Undistributed earnings of Du Pont

(Continued on Page 6)

New Co-op Takes Shape in Indianapolis Field

Indianapolis — The Indianapolis Co-operative Theaters, Inc., has been incorporated "to foster the business

(Continued on Page 6)

Dominion Indies Appoint Committee to Put Clearance Plan into Work

Admission Taxes for Year Show \$1,329,977 Decline

Washington Bureau of THE FILM DAILY

Washington — Admissions taxes collected for the fiscal year of 1939, ending June 30, were \$1,329,977.64 less than those collected for the fiscal year of 1938, the Bureau of Internal Revenue reported yesterday

(Continued on Page 6)

By WILLIAM FESSEY
FILM DAILY Staff Correspondent

Toronto—Plans for the formation of a national clearance board were adopted at the Dominion convention of the Independent Theater Owners of Canada, held in Toronto, yesterday, at the King Edward Hotel. The gathering, which was a success both from the viewpoints of attendance and business accomplished, drew

(Continued on Page 3)

THE **Film** DAILY

ALL THE NEWS
ALL THE TIME

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	93 3/4	93 1/4	93 3/4	— 1/8
Col. Picts. vtc. (2 1/2%)	7 1/8	6 5/8	6 5/8	— 1/8
Columbia Picts. pfd.	19	19	19	+ 3
Con. Fm. Ind.	1 1/8	1 1/8	1 1/8	+ 1/8
Con. Fm. Ind. pfd.	9	8 1/2	9	+ 1/4
East. Kodak	159	153 3/4	154	— 5
do pfd.				
Gen. Th. Eq.	10 1/4	9 5/8	9 5/8	+ 1/8
Loew's, Inc.	34 3/8	33 1/2	34 1/8	+ 1/2
do pfd.				
Paramount	7 1/2	7	7	— 1/4
Paramount 1st pfd.	77	77	77	+ 7/8
Paramount 2nd pfd.	8 3/8	8 1/4	8 1/4	— 1/2
Pathe Film	9 1/2	8 7/8	8 7/8	— 1/8
RKO	1 1/2	1 1/2	1 1/2	+ 1/8
20th Century-Fox	14	13 1/2	13 1/2	— 1/8
20th Century-Fox pfd.	24 1/4	22 1/2	22 1/2	— 5/8
Univ. Pict. pfd.	51 1/8	48	48	— 6
Warner Bros.	4 1/8	3 7/8	4 1/8	+ 1/8
do pfd.	46 1/2	46 1/2	46 1/2	+ 1 1/2

NEW YORK BOND MARKET

Keith B. F. ref. 6546	97	96	97	+ 1
Loew's deb. 3 1/2% 546	50	50	50	
Para. B'way 3555				
Para. Picts. 6555				
Para. Picts. cv. 3 1/4% 47				
RKO 6541				
Warner Bros. cv. 6539				
Warner Bros. db. 6548				

NEW YORK CURB MARKET

Monogram Picts.	1 3/8	1 1/4	1 1/4	— 1/8
Sonofone Corp.	12 1/4	11 3/4	12	+ 7/8
Technicolor				
Trans-Lux				
Universal Corp. vtc.	2 5/8	2 1/4	2 5/8	
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102	
Fox Thea. Office Bldg. 1st '46	3 5/8	5
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	65	69
Roxy Thea. Bldg. 4s 1st '57	60	63

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Good Business

... and India's wishes

(Continued from Page 1)

mission of newsphotos by air and cable to the American dailies should whet interest, if anything. A still picture can not compete with an action picture in emotional impetus, and the former essentially is fragmentary. No, if experience counts for anything, the newsreel looms as a potent program factor in the days ahead.

"Nurse Cavell" to Have Six Big Town Previews

A preview tour in which six important cities in the East and South will get an advance single performance view of "Nurse Edith Cavell" and an opportunity to meet its star Anna Neagle and Producer Herbert Wilcox will be inaugurated this week-end by RKO Radio Pictures.

Six key cities, Washington, Atlanta, Dallas, New Orleans, Chicago and Cleveland, have been selected by S. Barret McCormick, RKO director of advertising and publicity, who is in charge of the arrangements. Similar previews have been held in Hollywood, Toronto and New York City.

Along with the showings in each situation there will be the fanfare and glamour typical of Hollywood previews. Film critics of cities in the neighborhood of the preview showings will be special guests of RKO.

Warner Branch Office Nine Takes League Championship

Softball team of the N. Y. Exchange Office of Warner Bros. Pictures won the championship of the Motion Picture League by defeating 20th Century-Fox in the playoff game Wednesday night by the score of 6 to 4. Al Barabas drove in the winning run for Warners with a home run in the last inning. Dave Newman managed the Warner team.

Summer Competitors Fade From Scene In St. Louis

St. Louis—Summer competitors of local film theaters have quit for the year, including the Forest Park Highlands, Westlake, Riverview and Stauter's amusement parks, while the Excursion Steamer "The President" will make its last trip of the 1939 season on Sunday.

Roy E. Larsen is Elected President of Time, Inc.

At a meeting of the board of directors yesterday Roy E. Larsen was elected president of Time, Inc.

Henry R. Luce will continue as chairman of the board and senior editor of all Time, Inc., publications.

Erikson Brokerage Fee Suit vs Schines Ousted

New York Supreme Court Justice J. Sidney Bernstein yesterday dismissed a suit for \$35,000 brokerage fees brought against J. Meyer Schine, Louis Schine, and Schine Enterprises Corp. by Carl E. Erikson. Justice Bernstein's ruling, which held that the complaint did not state a cause of action against the Schines, and permitted the plaintiff to amend within 10 days, did not affect the suit against Feny Vessy Enterprises, Inc., remaining defendant.

Complaint alleged that Erikson, a real estate broker, was hired by Feny Vessy to negotiate the sale of five of its Rochester motion picture theaters in May, 1937. Plaintiff contends that it secured an offer of \$700,000 from the Schines, but that Feny Vessy Enterprises behind the plaintiff's back sold four of the theaters to the Schines for \$600,000. The plaintiff contends that the defendant's action deprived him of commissions amounting to \$35,000.

Century Circuit Shifting House Managers Tomorrow

Century Circuit announced yesterday the following managerial transfers affecting houses in various sections of the local territory:

E. Friedman from the Fantasy, Rockville Center, to the Grove, Freeport; Ed Freiburger, from Marine, Brooklyn, to the Fantasy, Rockville Center; F. W. Brunelle, from the Bliss, Long Island City, to the Queens, Queens Village; Walter Smith, from the Queens, Queens Village, to the Bliss, Long Island City; L. Freund, from the Patio, Brooklyn, to the Kingsway, Brooklyn; William Appegate, from the Kingsway, Brooklyn, to Patio, Brooklyn; R. S. Tretler, from the Avalon, Brooklyn, to the Marine, Brooklyn; Ed Cline, from the Grove, Freeport, to the Freeport in Freeport; Monroe Schram, from the Freeport, in Freeport, to the Sunnyside, Long Island City; and Jack Weinstein, from the Sunnyside, Long Island City, to the Avalon, Brooklyn.

Changes are effective tomorrow.

Four More Circuit Deals Signed by Monogram

George W. Weeks, general sales manager for Monogram, recently announced that the following national circuits have closed commitments for the 1939-40 line-up: the Publix-Richards-Nace Circuit, Los Angeles; Glen Thompson Circuit, Oklahoma City; Warner Bros., New England division; and the Simons Amusement Co., Salt Lake City.

20th-Fox Paying on Pfd.

Board of Directors of 20th Century-Fox yesterday declared a cash dividend of 37 1/2¢ per share for the third quarter of 1939 on the outstanding preferred stock payable Sept. 30, to stockholders of record at the close of business Sept. 18. Common stock dividend was omitted.

COMING AND GOING

STANTON GRIFFIS and his wife sail from France tomorrow on the Washington for New York.

JOHN W. HICKS, JR., arrives this morning from the Coast on the Century.

FRED JACK, Southern district manager for Warners, RALPH McCOY, Atlanta branch manager, and W. E. CALLAWAY, West Coast district manager, have been at the home office this week for conferences.

BING CROSBY arrived here today from Hollywood for a vacation.

ERROL FLYNN has returned to the Coast.

ORSON WELLES arrives in New York tomorrow from Hollywood.

RUD LOHRENTZ, prairie district manager for Warners, HENRY HERBEL, Midwest district manager, and DOAK ROBERTS, Dallas branch manager, are due at the home office shortly to confer with sales heads.

DAVID NEWMAN, Michigan exhib., M. N. SHAPIRO, Pittsburgh exhib., R. V. McGINNIS, Arkansas exhib., M. W. JOHNSON and J. O. WEAVER, Colorado exhibs., and TOM and JACK BEYNON, circuit operators in Wales, Eng., were visitors this week at the RKO Lounge.

ALFRED LUNT and LYNN FONTAINE have returned to New York after spending the Summer in Wisconsin.

MAUREN O'SULLIVAN is due here next week on the Yankee Clipper.

STUART WALKER, associate producer at Paramount, leaves the Coast next week for New York by car to spend a vacation here.

JOHN WEXLEY, Warner writer, leaves for Hollywood today after a vacation on his Pennsylvania farm.

Felder-Wittman Acquire Three Bronx Theaters

Metro, Congress and Vogue Theaters in the Bronx have been acquired by Max G. Felder and Sig Wittman from the Loew-Peskey-Baranco interests, it was announced yesterday. Felder and Wittman plan to extensively renovate the Metro and Congress which are now closed. Vogue is operating at the present time.

Equity Meets Sept. 29

First regular quarterly meeting of Actors Equity will be on Sept. 29.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 8

Howard Dietz David Horsley
May MacAvoy Charles Stuart

SEPTEMBER 9

Ned E. Depinet Pauling Garron
Charles Farrell Neil Hamilton
Nat Feltman

SEPTEMBER 10

Lily Damita Al St. John
Matty Kemp Charles Koerner
Carlo Vannicola

CANADIAN INDIES SET ON CLEARANCE BOARD

(Continued from Page 1)

delegates from Toronto and other parts of Ontario and from points as far East as Nova Scotia, the Allied Independents of the Maritime province being represented by A. J. Mason. Owing to the war situation, delegates could not arrange to come from the Western provinces.

The convention agreed upon the plan of setting up a committee of four to consist of J. O. Scott, of the Anti-Protection League, under whose auspices the convention was called; N. M. Taylor, vice-president of the Independent Theater Ass'n of Ontario; H. Alexander, Toronto, a member of the APL central committee, and A. J. Mason.

The foregoing committee was directed to set up the following plan in order to endeavor to bring about the formation of a national clearance board: Under this plan the national board will be empowered to hear appeals from local boards. Every exchange center shall have a local clearance board consisting of two independents, one circuit representative and one distributor, to handle local clearance and priority problems. On matters they are unable to agree upon they will appeal to the national board.

It is proposed that the national board shall consist of one circuit representative, one distributor, one independent, and two neutrals, the latter to be chosen by the three trade representatives or else by the courts at the request of these three.

The proposed national board will hear all disputes from local boards and have jurisdiction to enforce its decisions. The clearance schedules as agreed upon by the national board are to become part of the Canadian license agreement, and to be binding on all parties thereto.

The convention directed that a draft of the reforms agreed upon by the national board should be sent to every independent association in Canada for ratification. It is to be a two-year experiment in clearance and priority reforms in the Dominion.

The convention decided that if the suggestions of the original committee of four men named yesterday to bring about the formation of a national clearance board do not meet with success, then the Anti-Protection League will appeal to the Dominion Government of Canada for relief in the matters of clearance and priority.

Re-booking 'Maginot'

The state of war in Europe has brought about a tremendous public demand for several March of Time units centered around the foreign situation, including "Inside the Maginot Line," which Harry Michalson, RKO short subject sales manager says has been re-booked into several score of theaters.

"Requests for prints are coming in by wire from every section of the country," Michalson said.

ALONG THE



WITH PHIL M. DALY

● ● ● THERE is nothing that we can possibly imagine that makes flatter reading than the bare statistics bound up in the campaign on a big picture.....understand, we are talking about the Reader Interest in such printed accounts.....to the publicity and advertising departments which see the factual recording of their titanic and brilliant efforts set down for the industry's amazement, the stuff reads like a literary classic.....to them the account is fascinating, overwhelming.....and after they have read in print what they have accomplished on the picture campaign, they sit back in a sort of stupor and whisper to themselves: "My God, is it possible that I had a part in this Titanic Achievement?".....

● ● ● THAT is one of the funny things about this film biz.....when for example an account of a campaign on a big picture is set down in this column, all the gents who had anything to do with it greet us on the day of publication with cries of joy and admiration....."It was marvelous, Phil!"....."One of the greatest things you've ever written".....and at least a half dozen guys in a half dozen other home office outfits give us the hearty Bronx cheer and say in substance: "How the hell can you run such junk? Ain't you got no pity on your readers?".....conveniently forgetting that a few days before we ran similar "junk" on the Titanic Campaign in which their brilliant efforts had been featured in putting over their company's big picture.....

● ● ● NOW you can believe it or not.....but all of these gents are absolutely right in raving over THEIR Campaign.....for though this chronological account of all the stunts that were pulled in putting the campaign over may read flat and uninteresting to other hardboiled guys in the biz.....the Sum Total of this mass of hard work hits the public as glamorous, exciting stories in the newspapers and mags.....great entertainment on the radio.....novelty ballyhoo that intrigues a jaded public.....in a word.....that campaign has created a GOLDEN HARVEST at the B.O. that repays us for all our headaches and heartaches.....keeps us in a job and otherwise makes life pretty much worth while.....now go on with this chronological account of another campaign that has just been slammed over.....and read it with Enlightened Eyes as per the dope above set down.....it's all about "Golden Boy".....the Columbia smash that will bring to the box-offices of the land a Golden Harvest.....

● ● ● EVERY angle was covered on the "Golden Boy" campaign.....timed to help both first and subsequent runs everywhere.....William Holden, the screen discovery featured, was brought to New York before the Music Hall opening.....and the newspaper feature writers and syndicates and wire and photo services went for the colorful lad in a big way.....there was "Golden Boy" Day at the World's Fair Aug. 23.....the Van Schmus reception at the Hall.....two major Coast-to-Coast hook-ups.....the Lowell Thomas dramatization of finding the Golden Boy.....and Gabriel Heatter's swell presentation.....two television broadcasts of the trailer by NBC.....in addition to the regular pub campaign for the Music Hall opening in the local papers, there was selective advertising in weekly mags.....and finally Holden's personal appearances touring key cities in the East, with the lad going over in the grand manner with the press, who liked his naturalness and easy manner.....now go on and say all this is lacking in Reader Interest.....but that campaign will roll in a golden shower for "Golden Boy".....and what do ya want?.....Reader Interest or Bank Interest?.....you can't have both.....

MOMAND FILES SUIT IN EQUITY VS. MAJORS

(Continued from Page 1)

only the Griffith Amusement Co., operators of three other theaters in Shawnee, get such films there.

Named as defendants are Twentieth Century-Fox Film Corp.; Paramount Film Distributing Corp.; Vitagraph Inc.; Loew's Inc.; RKO Radio Pictures; Columbia Pictures Corp.; Universal Film Exchanges, Inc., and the Griffith Amusement Co.

"The plaintiff prays this Honorable Court to forthwith restrain and enjoin said defendants from such unlawful discrimination and direct said defendants to contract with the plaintiff for the exhibition of such films," the petition states, "as selected by the plaintiff on a second and subsequent-run which have not heretofore been contracted for to be shown in Shawnee, for a price in line with the price charged for such films in towns of similar population and location, so that this plaintiff may keep its business alive, pending a hearing upon a preliminary injunction, and that upon such a hearing for a permanent enjoining; that the court order and restrain the defendants and each of them and their officers and agents from so acting on concert and from so refusing the plaintiff for exhibition in said Odeon Theater at Shawnee, motion picture films and supplies and from unlawfully discriminating against the plaintiff and from influencing or attempting to influence any other major distributor to furnish petitioner motion pictures and supplies for exhibition in the Odeon Theater at Shawnee."

Federal Judge A. P. Murrah has issued an order setting 2 p.m., Sept. 14 as the time for hearing the request for an injunction in his court here.

Besides the injunctions the petition also asks that "the plaintiff herein recover its costs and such other and further relief as may appear to the Honorable Court to be just and proper."

The present suit is brought by Momand while his \$4,500,000 anti-trust suits against the same defendants as well as others is still pending in Judge Murrah's court here. At one time Momand owned a circuit of some 28 theaters in Oklahoma. He at present operates the aforementioned Odeon theater in Shawnee which has five theaters, three of which are operated by the Griffith Amusement Company.

Legal counsel for Momand in this case are Leverett Edwards and F. Murray Robinson, who had not appeared in his previous anti-trust damage suits.

"5th Avenue Girl"

"Fifth Avenue Girl" wound up its second week at the Radio City Music Hall with a gross which out-topped the first week of "In Name Only" and "Bachelor Mother" at the same theater, according to RKO.

Para

BUSINESS

"YEAH, BING"!



Paramount's **"THE STAR MAKER"**

... with 99 Kids and Bing, smashes to tremendous first week gross at New York Paramount ... beating year's record and climbs to sock grosses in 47 key cities ... proving Paramount 200% right in predicting last picture, on 1938-1939 schedule, would be box office dynamite.

Paramount has the big

ount S BOOM!

"YEAH, BEAU"!

Paramount's New "BEAU GESTE"

...following its sensational three-week run at the New York Paramount, invades the keys to beat record-breaking "Union Pacific" for box office honors, running as high as 50% above "U.P."...averaging a good 20% above "U.P." across the country... proving Paramount 200% right in predicting 1939-1940 would be Paramount's year!

oduct, and plenty of it!



COL. COLE PREDICTS NEELY BILL PASSAGE

(Continued from Page 1)

Richey, a representative of RKO, pledge a cutting in the amount of pictures produced by his company rather than a cutting of quality should the European crisis throw its shadow over the studio.

Col. Cole urged the convention to present a united front against monopoly. He declared the Neely bill was the only hope of the industry for a cure-all, and stated: "The bill will pass Congress if it is ever brought out of committee."

Commenting on the European situation, Cole said: "I hope the film companies will not consider a lower standard of production in view of contracts already signed."

Hopes No Quality Let-Down

"In fact," he added, "it would be bad faith on the part of the producers if there is a quality letdown in an attempt to make up the European market loss." Col. Cole's words were later put into the form of a resolution which will be sent to all the major film companies.

A letter was received from Abram F. Myers, Allied general counsel, regretting his inability to be present.

Richey later added to his comments that RKO did not consider the Code dead and that there still was hope of coming to an agreement with exhibitors on the matters under dispute.

A resolution was passed inviting the national Allied to hold its next session in Atlantic City as guests of the New Jersey association.

The following nominating committee was appointed: L. Gold, I. Dollinger, D. Shafer, M. Miller and D. Bergton. They will report back at today's session.

Highlight of last night was the annual banquet. Richey was toastmaster.

Eastern Regional Conference

Eastern regional conference met in the afternoon, Regional Vice-President Frank C. Lydon, of Boston, Mass., presiding. The meeting covered reports of all units on the past year's activities in regard to public relations, which covers legislation and litigation; business relations, which covers service to members in the form of co-operative purchases, film buying, and film company policies, etc., and finances, which naturally has to do with dues to the local and national organizations.

It was definitely established from the various reports received from Eastern units which extend from Washington, D. C., to Maine, that tremendous progress has been made and it was impressed upon the regional directors by both Cole and Lydon that past progress was child's play compared to the work which lies ahead. It was pointed out, particularly by Cole that exhibitors are deeply indebted to the PTA and other effective civic organizations for some of the recent victories, and that it

Radio War News Recordings Supplied Charlotte Theaters for "Broadcasts"

Charlotte, N. C.—WBT is supplying recordings of news bulletins on the European war to local theaters to be played at the 7 p.m. and 9 p.m. intermissions. Recordings take three minutes and are being publicized in theater lobbies.

\$35,310 Six Months Net Reported by Pathe Film

(Continued from Page 1)

Film Manufacturing Corp. were not reflected in the statement, it was said. It was reported that Du Pont made a net profit of \$826,000 for the first six months of 1939. Pathe owns 35 per cent of the outstanding Du Pont Film stock.

Admission Taxes for Year Show \$1,329,977 Decline

(Continued from Page 1)

in a final compilation of taxes taken in during the period. The 1939 collections totaled \$19,470,801.85 compared to \$20,800,779.49 for the 1938 fiscal year, it was reported.

Development of Projection Shown at the World's Fair

Keynote of Projectionists Day at the World's Fair yesterday was the progress of projection of motion pictures from their inception to the present and the future of projection. Meeting was held in the Little Theater in the Special Events Building under the auspices of Local 306, IATSE of New York.

Speakers were: Joseph Basson, Local 306 prexy; Nathan Golden, chief of the motion picture division of the Commerce Dept.; E. A. Williford, SMPE prexy; Dr. Alfred N. Goldsmith, former SMPE prexy; and James Finn. Edward J. Flynn, U. S. Commissioner General of the World's Fair, gave an address, as did F. H. Richardson on the pioneer projectionist. George E. Browne, IATSE prexy, was unable to attend.

The projectionists were shown the new March of Time issue, "The Movies March On."

would be most gracious and judicious for members to continue their militant activities in conjunction with these organizations rather than to assume an attitude of smug complacency or over-confidence and wake up to find the ground taken from under them.

To Continue Militant Activities

All regional directors were definitely charged by Lydon to return to their territories and continue their militant activities for industry reforms and to be prepared to attend the next Eastern regional to be held within two months in Philadelphia, with comprehensive reports of their progress. It was further agreed that future regional meetings shall be held at least every two months and more often in the event of unexpected emergencies.

New Co-op Takes Shape in Indianapolis Field

(Continued from Page 1)

of film theater owners; to reform abuses and secure freedom from unjust and unlawful exactions; to produce uniformity and certainty in the contracts, customs and usages of business; to adjust as far as practicable, controversies and misunderstandings arising between members and also those arising between its members and individuals, firms and corporations engaged in the distribution and production of motion pictures."

The corporation will seek to promote a more enlarged and friendly intercourse between members and the motion picture distributors and producers, to prevent unjust and unreasonable discrimination or conspiracy to any matter and to act as agent and representative for any member or members in any of the said and mentioned activities, according to its charter. It is reported that the underlying purpose of the organization is to act as a buying agent.

Any film theater in this city will be eligible for membership. There is no capitalization. Incorporators are: Harry Markun, Oscar Kuschner and Irving Tamler.

"Little Old New York" and Henie Pix to Start

West Coast Bureau of THE FILM DAILY

Hollywood — Twentieth-Fox will send both "Little Old New York" and "Everything Happens at Night" before the cameras next week. Former has Alice Faye, Richard Greene and Fred MacMurray, latter stars Sonja Henie with Ray Milland opposite.

Dispute Hearing Today

Hearing before the State Labor Relations Board scheduled to be held yesterday on the jurisdictional dispute between the TMAT and the IATSE over theater treasurers was postponed until today. It is expected that jurisdiction of the treasurers will be awarded to the IA and managers and press agents will be under the TMAT jurisdiction.

Holden In Buffalo

Buffalo—William Holden, star of Columbia's "Golden Boy," now on a p.a. tour which includes Washington, Philadelphia, Pittsburgh, Buffalo, Detroit and Chicago as an itinerary, was the guest at a luncheon given in his honor here yesterday, which was attended by city officials, newspaper publishers and others.

METRO PRODUCTION PLANS UNAFFECTED

(Continued from Page 1)

the United States yesterday on the Manhattan from Europe. Others aboard the liner included Norma Shearer, who was greeted by Schenck at the dock; Elsa Maxwell, Grace Moore, Gene Autry, Mrs. Yates, Richard Yates, Mrs. Walter Titus, Mrs. Autry and Bill Saul, Republic publicist who had spent three months in Europe preparing for the Autry tour.

"No change in Republic's production plans in any way, shape or form are contemplated at this time because of the European War, and I am confident that exhibition and distribution in Europe will continue with only minor adjustments necessary," Yates told THE FILM DAILY.

Yates, when apprised of advices that the English Quota would be temporarily suspended, stated that it was logical under the circumstances and that he had heard reports this move would be made before he left England. He termed "alarmist stories" as ridiculous.

Yates stressed the fact that European governments are not going to allow theaters to remain closed as entertainment must be provided for the public, and said a general reopening of English houses can be expected. Yates stated that it was unlikely pictures would be produced in Great Britain during the duration of the War except by government order, and it was tacitly understood that English producers would therefore be unable to fulfill quota obligations. He also expressed the opinion that it was unlikely any American company would try to produce there under the circumstances.

Evacuation of London by the film companies was completed according to prearranged plans he had heard discussed before he left, Yates said. He estimated that all branches had been severely depleted by mobilization orders. However, everything was done orderly and adequate replacements are available to fill gaps in the distributing organization's ranks, he stated.

Yates said that his company was approximately six months ahead of schedule in European product commitments, assuring the meeting of all release dates on time as the films have already been delivered. Total of 127 deliveries to England was mentioned. Yates then estimated that other companies were in approximately the same position.

The exec. stated that the company's domestic and foreign business was approximately 20 to 25 per cent ahead of last year at the same time and he anticipated a fine year for the organization.

"U-Boat 29" on Sept. 30

Columbia's "U-Boat 29," a drama of espionage and U-Boat warfare, with Conrad Veidt in the lead, will be released nationally on Sept. 30.

REVIEWS OF NEW FILMS

"Angels Wash Their Faces"

with Ann Sheridan, the "Dead End" Kids
Warners 86 Mins.
GREAT MELLER WITH "DEAD END"
KIDS DELIVERING STRONG IN NOVEL
STORY.

A highly colored melodrama of the "Dead End" Kids that is filled with hoke, but very effective and entertaining. In this one the youngsters are working on the side of law and order, trying to uncover the higher-up and his cohorts who have made their pal, Frankie Thomas, the victim of a frameup on a firebug charge in which one of their members lost his life. With the help of Frankie's sister, Ann Sheridan, and Ronald Reagan, a member of the D.A.'s staff, they go to work under the protection of Boy's Week, which has placed Frankie in charge of the city as mayor. He in turn appoints his gang to the various posts such as police commissioner and fire chief. They uncover evidence that the fire chief is in with the gang that has been collecting fire insurance on incendiary blazes. In a series of exciting incidents, in which two members of the gang are placed in a pillory under an old blue law till they can force them to talk, the Kids finally get the admissions.

But not before Reagan has disclosed to the two pluguglies that their chief is about to skip the country on a liner and leave them holding the bag for a murder rap. The Kids turn in their usual colorful performances under fine direction. Selling angles: the oomph girl, Ann Sheridan; the "Dead End" Kids going straight for law and order.

CAST: Ann Sheridan, Billy Halop, Bernard Punsley, Leo Gorcey, Huntz Hall, Gabriel Dell, Bobby Jordan, Ronald Reagan, Bonita Granville, Frankie Thomas, Henry O'Neill, Eduardo Cianelli, Berton Churchill, Bernard Nedell, Dick Rich, Jackie Searl, Margaret Hamilton, Marjorie Main, Minor Watson, Cyrus Kendall, Grady Sutton, Aldrich Bowker, Robert Strange, Egon Brecher, Sarah Padden.

CREDITS: Director, Ray Enright; Idea by Jonathan Finn; Screenplay, Michael Fessier, Niven Busch, Robert Buckner; Cameraman, Arthur L. Todd; Editor, James Gibbon.

DIRECTION, Excellent. PHOTOGRAPHY, First-Class.

Only Dark Warner House In Connecticut Reopening

Ansonia, Conn.—Warners will reopen the Tremont, only Warner Connecticut house to be darkened this Summer, on Sept. 15, on a three-a-week schedule.

Taylor Opening N. Y. Offices

Irvington, N. J.—G. R. Taylor & Co., distributors of industrial and consumer motion pictures, are opening executive sales offices at 9 Rockefeller Plaza, New York. O. H. Sutter, formerly in radio, magazine and newspaper advertising fields, has been appointed executive sales manager and will be located at the New York office.

"Behind Prison Gates"

with Brian Donlevy, Jacqueline Wells
Columbia 61 mins.

STRONG MELLER OF PRISON CRIME WAR WITH DONLEVY DELIVERING IMPRESSIVELY.

Strong and stirring meller of prison life, with Brian Donlevy as a police investigator who gets himself sent up so that he can check on the activities of a gang of bank robbers. Several of the members are in the pen on a minor charge trying to evade the heavier rap. The thrills and suspense are well built up, involving the discovery by the prisoners that there is a cop in their midst, the subsequent jail-break, and then the final showdown as Donlevy fights with the escaped convicts as they go to uncover the bank loot. Jacqueline Wells plays the part of the sister of a dead criminal whose name Donlevy has adopted. When she enters the penitentiary, his problem is made difficult, but he wins her over to his side. This film has plenty of gripping scenes, well handled, and Donlevy's work is excellent and convincing.

CAST: Brian Donlevy, Jacqueline Wells, Joseph Crehan, Paul Fix, George Lloyd, Dick Curtis, Richard Fiske.

CREDITS: Director, Charles Barton; Authors, Charles T. Horman, Leslie T. White; Screenplay, same; Cameraman, Allen G. Siegler; Editor, Richard Fantl.

DIRECTION, Good. PHOTOGRAPHY, Fine.

Attorneys for Majors, B & K Ask Contempt Case Dismissal

(Continued from Page 1)

Dismissal of the government's criminal contempt proceedings in the Federal Court hearing yesterday before Master Edgar Eldredge.

The attorneys argued that the government has not offered conclusive, definite evidence of any collusion or conspiracy, merely hearsay and opinions.

WB Going Ahead With Big Pix Production; Two Are Set

West Coast Bureau of THE FILM DAILY

Hollywood — Warners are going ahead with big picture productions in spite of war situation in Europe. First big picture will be "Virginia City," a tale of the early West, with Errol Flynn, Olivia De Havilland, Ann Sheridan, Alan Hale, Donald Crisp, and Frank McHugh in the cast. Michael Curtiz will direct this original story by Robert Buckner which goes into production in two weeks.

The second picture will be "Sea Hawk," with Errol Flynn, Olivia De Havilland, Geraldine Fitzgerald, and Donald Crisp in cast.

Jack Warner and Hal Wallis have decided to make a series of pictures in a lighter vein to combat the depressing stories in the news. Among these will be "The Poor Nut," "Stuff of Heroes," "The Smiling Corpse," "Footsteps in the Dark," and others.

Ready Reference Directory

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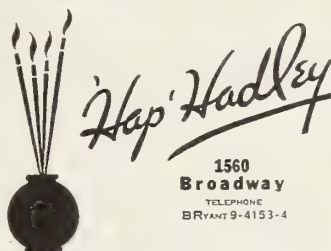
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"BALLERINA"

213 Circuits and Theaters Plug Pix Golden Jubilee

Exhibs. Ignore War Situation as They Line Up Behind Anniversary

Generally accepted as indicative of exhibition confidence despite the situation arising from the outbreak of war in Europe, a total of 213 circuits and individual theaters have reported Golden Jubilee activities to the Fiftieth Anniversary Committee, it was learned yesterday.

In exhibitor circles, opinion was expressed yesterday that the Jubilee instead of receiving a setback as a result of the war actually would benefit from the psychological factor involved. It comes as a timely antidote to the flood of war news and reports, and serves to spotlight films as an essential medium of escape, it was pointed out.

Newspaper reaction to the Jubilee has been highly satisfactory, it was said yesterday. Since Will H. Hays, MPPDA prexy, announced the anniversary plans, 80 favorable editorials and columns have reached the Committee headquarters. This is exclusive of news stories. Incidentally, it was stressed yesterday that the American press generally has made no cuts in space devoted to films despite the war news pressure. This situation also applies to radio columns.

Many individual angles are being developed in theater campaigns. RKO Theaters have tied up their Golden Jubilee with the Fiftieth Anniversary of RKO Theaters. A talking trailer is now running which uses the combined anniversaries as a news peg for the announcement of new screen attractions. Theaters are decorated and many special celebration stunts are being planned, according to Harry Mandel, director of advertising. "RKO salutes motion pictures' Golden Jubilee of hits," and "This RKO theater proudly joins in celebrating motion pictures' Golden Jubilee," are among the slogans being used.

Loew's circuit has tied the Jubilee to its new season product announcement, stressing the strong lineup for 1939-40, it was said yesterday by Oscar A. Doob. Full pages tying up display copy and stories have been used by newspapers in practically all cities.

National Theaters are using the

BIG NEWS

AS SEEN BY
THE PRESS
AGENT



There are now 46 juvenile dancing organizations associated with the Young Dancers of America which have been named for Eleanor Powell.—M-G-M.

"Imitation of Life" Plays Wilmington

Warner House Ninth Time for Record

Wilmington, Del.—Universal's "Imitation of Life" set a new house record at the Warner-operated Savoy Theater, city's last-run house, playing ninth time there this week. Runnerup to 9-day mark of "Imitation" is Para's "Jungle Princess," which has played 8 engagements.

Union-Exhib. Parley Will Tackle St. Louis Dispute

(Continued from Page 1)

unions to iron out the differences that recently led to the picketing of the O'Fallon and Bremen theaters, North St. Louis, await the return next week of Clarence Kaimann, North St. Louis theater owner, from his honeymoon.

In the meantime in accordance with an agreement reached out of court the injunction suits before Circuit Judge Aronson have been dismissed, while the unions have removed their pickets from in front of theaters.

The negotiations will involve the demand for a new contract calling for increases in wages for ushers, ticket takers, cashiers and other miscellaneous employees of the motion picture theaters, and also the question of whether the theaters should employ stagehand members of Local No. 6 of the IATSE for maintenance work. The ushers are members of Local No. 2A, another IATSE affiliate.

Goldwyn Rushes "Raffles"

West Coast Bureau of THE FILM DAILY

Hollywood—After a delay of three days, during which it was not known whether David Niven would be called to the colors immediately, Samuel Goldwyn has received word that the star's role in "Raffles" can be completed before he is called. The producer placed the film in production yesterday with Niven and Olivia De Havilland in the leading roles. Sam Wood is directing.

Anniversary in connection with their fourth national drive. On his recent tour, Spyros Skouras canvassed the entire FWC circuit, making the Fiftieth Anniversary an important part of the campaign he outlined before a series of sectional meetings.

Eastern Skouras Theaters are making general use of the anniversary in programs, trailers and advertising. Public relations departments of both Eastern and Western divisions are making wide use of Fiftieth Anniversary material in connection with schools, universities, library and club co-operations.

Warner Bros. is handling its campaign on a decentralized basis. Mort Blumenstock distributed manuals to all theater managers, with each division directed to develop its own campaign.

One of the earliest campaigns to get under way was that launched by the Schine Circuit. Gene Curtis, director of advertising, developed an interesting trailer which opens with

AAAA Board is Reported to Favor "One Big Union"

(Continued from Page 1)

to work to this end. It was also learned that this step was reported to have been unofficially agreed upon between the IATSE and the AAAA when they negotiated their peace agreement.

Executive secretaries of all member unions were made members of the committee, with the next step to formation of sub-committees. This step when accomplished will eliminate the dual dues system and cohesively knit the member unions into a solid front that will increase operating efficiency and reduce overhead expenses.

Credo to Continue Eastern Production, Says Rebush

First of the indie producers operating in New York to make public a course of action following the outbreak of war abroad, Roman Rebush of Credo Pictures announced yesterday that he definitely will continue in the production field, in addition to his import, export and distribution activities.

Rebush, who has a new Jewish pix, "Mirele Efros," in the cutting room and plans release about Oct. 1, is at work on a story for another Jewish pix and will follow that with a Negro musical.

the May Irwin-John C. Rice "Kiss" made by the Edison Co. in 1896, Mary Pickford in "The Good Little Devil," and John Bunny as Mr. Pickwick. It goes on to outline its "Movie Line Contest" and the line-up of new pictures for the season. A 64-page manual outlined the complete campaign for theater managers.

F. F. Vincent, of the Pioneer Theater Corp. in the Minnesota and Iowa area, has planned a series of special luncheons in each of his 12 towns.

The Allied Theaters of Michigan is planning to celebrate the Fiftieth Anniversary in connection with its own 20th Anniversary. Miss P. M. Sprott, business manager, is preparing special material for the convention program in Kalamazoo, Oct. 2-4.

Locally, George Freedley, curator of the Theater Division of the New York Public Library, is planning a special display of historical material on the motion picture in the Fifth Avenue Library the week of Oct. 1.

BRITISH PRODUCTION TO PARTIALLY RESUME

(Continued from Page 1)

naturally dictated. It was indicated on the basis of the advices, the partial resumption of British studio activity was in prospect.

Ralph Hanbury, U. K.'s managing director for RKO Radio, cabled Prexy George J. Schaefer that the chief constable in each city has been empowered to reopen some or all cinemas in his district according to experience gained concerning vulnerability of air raids.

Hanbury stated that in his opinion that meant districts far away from the large centers will be permitted to reopen shortly but to a limited degree and with the possibility of restricted screening hours and a restriction on the number of operating houses in each district.

"Unfortunately," said Hanbury's cable, "these far away places are principally non-industrial towns with a thin population." Cable concluded, "Maybe experience will allow some theaters to reopen in main centers such as London, Birmingham, Newcastle, Glasgow, etc., within a reasonable time with perhaps similar screening restrictions."

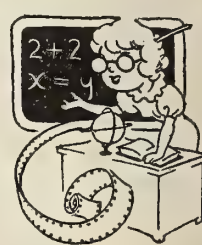
(A cable to THE FILM DAILY from the Daily Film Renter, London, had stated that it was possible war-darkened theaters might reopen next Monday, the Home Office being represented as sympathetic to the trade's representations.)

Murray Silverstone yesterday was advised by cable from Alexander Korda that the war will not interfere with completion of "Thief of Bagdad." Few remaining trick sequences are now being finished at the New Denham lab. In the meantime, the first print of "Over the Moon," another 1939-40 Korda production, has arrived in New York.

New Ashcraft Distributor

Detroit—Amusement Supply Co., managed by Ralph Ruben, is taking over Michigan distributorship for Ashcraft Projector Lamps.

FACTS ABOUT FILMS



For 11 months of 1938, excluding December, 278 American pictures were shown in the Netherlands, 62.5 per cent of the total. Germany was second with 55 pictures, 15.1 per cent.

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THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V. 76, NO. 49

NEW YORK, MONDAY, SEPTEMBER 11, 1939

TEN CENTS

British Film Theaters in "Safe" Areas Reopened Saturday WB TO PRODUCE ALL SCHEDULED LARGE-SCALE PIX Majors to Go Ahead With Trade Reforms -- Kuykendall

Gov't Code Disapproval Won't Toss Them Into Discard, Says Kuykendall

Major distributors, despite the Code rebuff at the hands of the Department of Justice, are still determined to go ahead with trade practice reforms although at the present time the situation is unchanged, Ed Kuykendall, MPTOA prexy, told THE FILM DAILY prior to his departure from New York for his Columbus, Miss., home Saturday morning.

Kuykendall, who had spent the week in New York conferring with William F. Rodgers, Metro sales exec. and spokesman for the Distributors Negotiating Committee, (Continued on Page 3)

MPTOA'S CONVENTION OFF; BOARD TO MEET

MPTOA will hold no 1939 convention this Fall, and instead the national board of directors will convene for two days, Oct. 23-24, at White Sulphur Springs, sessions being held at the Green Briar Hotel, (Continued on Page 3)

Warner District Managers Meeting to Discuss Sales

Discussion of sales plans under the new Warner merchandising policy will be the chief topic of discussion today when Warner district managers will attend meetings at the home office with their sales managers, Ben Kalmenson, Western and (Continued on Page 6)

GN Sets Financing

Grand National's financing arrangements will be completed this week, Prexy Earle Hammons stated Friday. He asserted that the company's production plans had been unaltered by the European situation at the present time and that they were going ahead on schedule.

Code's Cancellation Provisions Going Into Para.'s Contract, Keough Reveals

Paramount will incorporate cancellation provisions proposed in the Trade Practice Code in its new season contracts as soon as it is possible, Austin Keough, general counsel, told THE FILM DAILY Friday.

Meanwhile, reports that Paramount is planning to put into effect other trade reforms, thus paralleling Warners recent action, and to this end was revising its exhibition contract, brought a "no comment" reaction from Neil Agnew on Friday.

CIO ATTACKS IATSE IN THEATER FIELD

Frontal attack on the IATSE and other theatrical unions in the American Federation of Labor fold has been started in the New York City area with a CIO charter granted to the United Theatrical & Motion Picture Service Employees Union giving them jurisdiction over operators, stagehands, ushers, doormen, porters and cashiers, it was learned Friday.

In two instances the new union (Continued on Page 4)

Defendants in Quemos Trust Suit Lose Move to Dismiss

Newark, N. J.—Quemos Theater Co., former operator of the Mosque, was again successful in preventing dismissal of its \$3,525,000 anti-trust damage suit filed nearly two years ago in Federal Court against a group of distributing companies.

Federal Judge Fake has filed a (Continued on Page 6)

LEE NEWBERRY NAMED N. Y. ALLIED'S PREXY

Atlantic City—New Jersey Allied brought its convention to a close here Friday by electing Lee Newberry of Belmar, president to succeed George Gold of Newark.

Other officers elected were Murray Miller, Passaic, and Ralph Wilkins, Pitman, vice-presidents; Harry Lowenstein, Newark, secretary; and David Snaper, New Brunswick, treasurer.

Directors for the year will be (Continued on Page 6)

Court Denies All Defense Motions in Contempt Case

Chicago—Master in Chancery Eldredge has denied all motions by counsel for B & K and the majors for striking out parts of the Government's case in the criminal con- (Continued on Page 6)

Brit. Theaters Reopen Sooner Than Anticipated; London's Turn Next

Para. Sales Execs. Meet With Agnew in Chicago

Chicago—Neil F. Agnew, Paramount vice-president and general sales manager, presided over a two-day sales conference with district managers and home office sales ex- (Continued on Page 7)

London (By Cable)—British film theaters in areas considered safe from aerial attack by German bombers opened on Saturday, 48 hours earlier than had been anticipated by the most optimistic following the trade representations to the Home Office on Wednesday.

Home Office decision on reopening (Continued on Page 4)

No Budget Slashes for Para.; Blumberg Sees Retrenchment Talk Fading

The American film industry at the week-end gave further impressive assurances that, with the first shock of Europe's new war over, it had caught its second wind.

Harry M. Warner, prexy of Warner Bros., entraining for the Coast on Friday night after a five-day stay in New York following his return from Europe, said emphatically:

"Despite unfounded reports from the West Coast, all large-scale pictures announced by our company will be produced on schedule."

Simultaneously on the West Coast Jack L. Warner, Warner production (Continued on Page 8)

UA PRODUCTION SETS NEW ACTIVITY RECORD

With six productions before the cameras, and five more completed and ready for release, in addition to four previously released this season, (Continued on Page 8)

RKO Stock Underwriting Question to be Reopened?

Indicating that delay in passing on an underwriting agreement for the flotation of new RKO common (Continued on Page 7)

And How! ! !

"The Rains Came" to New York Friday at the Roxy from 20th-Fox, and to the entire city via a big storm. Reports were current Friday that the company's publicity department was arranging for a rainstorm, but when it assumed cloudburst proportions they denied everything. However, the picture opened to sensational business, with long lines storming the theater all day. Business was said to be topping everything the theater has done with the exception of "Alexander."

THE FILM DAILY

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	10	9 1/2	10	+ 1/4
Col. Picts. vtc. (2 1/2%)	7	6 3/4	7	+ 3/8
Columbia Picts. pfd.	20	20	20	+ 1
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	+ 1/8
Con. Fm. Ind. pfd.	152 1/2	149 1/2	149 1/2	- 4 1/2
East. Kodak	do pfd.			
Gen. Th. Eq.	9 1/2	8 3/4	8 3/4	- 7/8
Loew's, Inc.	34	33	33 3/8	- 1/2
do pfd.				
Paramount	7 1/8	6 3/4	7	- 1/8
Paramount 1st pfd.	76	76	76	- 1
Paramount 2nd pfd.	8 1/4	8	8	- 1/8
Pathe Film	9 3/8	9	9	+ 1/8
RKO	1 3/4	1 1/8	1 1/8	- 1/8
20th Century-Fox	13 3/8	12 1/4	12 1/4	- 1
20th Century-Fox pfd.	22 1/8	19 7/8	19 7/8	- 2 3/8
Univ. Pict. pfd.				
Warner Bros.	4	3 7/8	3 7/8	- 1/4
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46			
Loew's deb. 3 1/2s46	97 1/4	97 1/4	97 1/4 + 1/4
Para. B'way 3s55			
Para. Picts. 6s55			
Para. Picts. cv. 3 1/4s47			
RKO 6s41			
Warner Bros. cv. 6s39			
Warner Bros. db. 6s48 83	83	83	

NEW YORK CURB MARKET

Monogram Picts.			
Sonotone Corp.	1 3/8	1 3/8	1 3/8 + 1/8
Technicolor	12	11 1/2	11 1/2 + 1/2
Trans-Lux	1 3/4	1 5/8	1 5/8 + 1/8
Universal Corp. vtc.			
Universal Picts.			

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102	
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	65	69
Roxy Thea. Bldg. 4s 1st '57	59	62

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Theater

Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—18th week	Astor
The Old Maid (Warner Bros. Pictures)—5th week	Strand
The Star Maker (Paramount Pictures)—2nd week	Paramount
The Under-Pup (Universal Pictures)—2nd week	Rivoli
Angels Wash Their Faces (Warner Bros. Pictures)—2nd week	Globe
The Rains Came (20th Century-Fox)	Roxy
Lady of the Tropics (Metro-Goldwyn-Mayer)	Capitol
Golden Boy (Columbia Pictures)	Music Hall
Flight at Midnight (Republic Pictures)	Criterion
Tropic Fury (Universal Pictures)	Rialto
New Frontiers (Republic Pictures) (a)	Central
Midnight Menace (Film Alliance) (a)	Central
Stanley and Livingstone (20th Century-Fox) (a-b)	Palace
Stop, Look and Love (20th Century-Fox) (a)	Palace

FOREIGN LANGUAGE FEATURES

The Conquests of Peter the Great (Amkino)—3rd week	Cameo
Song of the Streets (Mayer-Burstyn)—2nd week	55th St. Playhouse
Heart Beat (French Motion Picture Co.)—2nd week	Little Carnegie
The End of the Day (Juno Films)	Filmarte
A Woman's Face (Swedish film)	48th St. Theater

FUTURE OPENINGS

On His Own (Amkino)—Sept. 12	Cameo
The Women (Metro-Goldwyn-Mayer)—Sept. 14	Capitol
The Real Glory (United Artists-Goldwyn)—Sept. 14	Rivoli
The Day the Bookies Wept (RKO Radio Pictures)—Sept. 14	Rialto
Payment Deferred (Metro-Goldwyn-Mayer)—Sept. 14	Criterion
Harvest (French Cinema Corporations)—Sept. 14	World
A Briveler der Mamen (Yiddish film)—Sept. 14	Belmont
In Old Caliente (Republic Pictures)—Sept. 15	Central
Betrayal (World Pictures)—Sept. 15	Little Carnegie
Honeymoon in Bali (Paramount Pictures)—Sept. 20	Paramount
Espionage (Warner Bros. Pictures)—Sept. 22	Strand
Eternally Yours (United Artists-Wanger)—(c)	Roxy
Fifth Avenue Girl (RKO Radio Pictures)—Sept. 14 (a-b)	Palace
Adventures of Sherlock Holmes (20th Century-Fox)—Sept. 14 (a-b)	Palace

(a) Dual bill. (b) Subsequent run. (c) Follows current bill.

Auten Request to Examine Natan Before Trial Denied

New York Supreme Court Justice J. Sidney Bernstein on Friday denied an application of Harold Auten for an order directing Bernard Natan, president, Emil Natan, vice-president, and Marcel Hellman, sales representative, of Societe Pathe Cinema S.A., to appear for examination before trial.

Auten had sought the order in connection with a suit for \$350,000 brought against him by the receivers of Societe Pathe to recover proceeds, allegedly due on pictures. Auten has counter-claimed for \$17,500 commissions allegedly due for securing of contracts for the plaintiffs with RKO.

Closed Shop for Ushers Barred by Boston Peace

Boston—There will be no closed shop for ushers at 11 Greater Boston theaters. Acceding to this demand of the M and P Theaters Corp., the IATSE has in return been guaranteed that no discrimination will be made against members of the local. The conciliation marks the end of a strike. A union wage scale of 35 1/2 cents an hour has been agreed to for the first-run Metropolitan, Fenway and Paramount Theaters. The union scale at the other eight houses is 32 1/2 cents an hour, with the exception of the Broadway Theater in Chelsea. The walkout was confined to Boston.

Big Grosses Win Extended Dates for "The Old Maid"

Warners' "The Old Maid" has been playing to top biz over the country since its national release last week. The first 28 key city engagements heard from to date report that the feature is outgrossing "Dark Victory" substantially and seems headed for one of the biggest grosses ever chalked up by a Warner feature, it was said at the home office at the week-end.

Of the 28 engagements, 12 already report extended playing time with the film, with the remainder expected to follow suit as soon as the film completes its initial week.

San Francisco—Warners' "The Old Maid" with the added attraction of the group of stars and featured players from the Warner studios who are making a p.a. tour throughout the West Coast territory, gave the Fox Theater a new all-time mark.

So. Calif. ITO Abolishes The Post of President

West Coast Bureau of THE FILM DAILY
Hollywood—At the annual meeting of the Independent Theater Owners of Southern California and Arizona, an advisory board was created and the office of president abolished.

Those elected to the board were: Albert A. Galston, Jack Y. Berman, R. D. Whitson, Mrs. Jenne Dodge, C. A. Ferry, A. L. Gore, H. W. Bruen, and R. A. "Bob" Poole, executive manager.

Galston, retiring from the presidency, refused re-election and it was decided to abolish the post. He was unanimously elected to the board.

COMING AND GOING

H. M. WARNER, Warner prexy, arrives in Hollywood this morning after a short stay in New York following his return from Europe.

Y. FRANK FREEMAN, Paramount production chieftain, arrives in Hollywood today after conferences at the home office.

HERMAN WOBBER, distribution head of 20th-Fox, has arrived on the Coast for studio conferences.

JOHN HAY WHITNEY, Selznick International board chairman, flew to the Coast at the week-end.

NORMA SHEARER is at the Waldorf Towers.

JESSE LASKY has left Hollywood to continue his talent search for his radio show. He is currently in Little Rock, Ark.

ROBERT RISKIN is expected back from England within the next 10 days when he is likely to announce distribution arrangements for Frank Capra Productions.

BILL GARTNER has arrived in Hollywood to join the Paramount studio publicity staff.

JOSEPH MARSHALL, international vice-president of Studio Utility Employees Local 724 is due in Hollywood this week.

JOHN BEAL is at the Coast for a short stay on personal business.

MICKEY ROONEY is back at the Metro studios after a p.a. tour.

CHARLOTTE GREENWOOD and her husband, MARTIN BROONES, have returned to the Coast after three months in Australia.

ROBERT SHERWOOD, dramatist, has returned from the Coast where his play, "Abe Lincoln in Illinois" is being filmed.

NEIL F. AGNEW, J. J. UNGER, G. B. J. FRAWLEY and ALEC MOSS of Paramount return from Chicago today.

ED KUYKENDALL, MPTOA prexy, left New York Saturday for his Columbus, Miss. home.

Vaude "Comeback" Set for 4 Brandt Theaters

The Brandt circuit is going through with its plans to revive vaude, with "flesh" definitely scheduled for four houses as a starter.

The orchestras of Jimmy Dorsey, Sammy Kaye, Larry Clinton and Cab Calloway are among the attractions booked. The Flatbush Theater, Brooklyn, will have vaudeville beginning Sept. 15; the Audubon, 165th St. and Broadway, and the Windsor, in the Bronx, beginning Sept. 21, and Carleton, in Jamaica, beginning Sept. 28. If the policy is a success vaudeville may be extended to other Brandt houses.

Chi. Union Pact Up Today

Chicago—Film theater operators and exhibitors will meet again today on terms for the 1939-40 contract which have been in negotiation for weeks.

WANTED—EMPLOYMENT

By a working team of two young men experienced in every phase of shoe-string production, who have been cameramen, cutters, color advisers and scriptwriters, and are familiar with the requirements of standard and sub-standard production of commercial and educational films.
Box No. 1301 THE FILM DAILY
1501 Broadway N. Y. C.

MAJORS GOING AHEAD WITH TRADE REFORMS

(Continued from Page 1)

and other sales chiefs, emphasized that whatever the ultimate distributor decision as to the Code itself, the major of trade reforms was very much alive.

It was indicated that some attention is being given to possible measure to overcome the D of J stymie.

"Trade reforms are not going to be tossed into the discard because of Governmental disapproval of the Code," said Kuykendall. "There are certain Code provisions that easily can be inserted in contracts and I am convinced that, as an alternative, this will be done generally. The MPTOA is interested in the goal, not the means; I don't care whether trade reforms come through the Code or whether they are assured by some other avenue."

Touching upon desired reforms, Kuykendall characterized clearance as "the sore spot in the industry" and said solution of the problem overshadowed all else.

Soviet Gov't Orders Anti-German Films Withdrawn to Avoid Friction With Nazis

Moscow (By Cable)—Several anti-German pictures have been ordered withdrawn from the theaters so as to avoid friction with the Nazis. Among them are "The Road to Victory" adapted from a Tolstoy play, "Professor Mamlock," "The Oppenheimer Family," and "Alexander Nevsky."

All comments on anti-German films, historical or contemporary, are being deleted from the jubilee book on the development of the Soviet motion picture now in course of preparation, it is learned.

Warners to Release Four in October, Says Sears

Warners will release four productions in October, it was announced over the week-end by Gradwell L. Sears, general sales manager. They are: "Espionage Agent" (FN) featuring Joel McCrea and Brenda Marshall (Oct. 7); "Pride of the Blue Grass" (WB) featuring Edith Fellows and James McCallion (Oct. 14); "Smashing the Money Ring" (FN) with Ronald Reagan and Margot Stevenson (Oct. 21); and "The Roaring Twenties" (B) starring James Cagney with Priscilla Lane, Humphrey Bogart and Gladys George (Oct. 28).

MPA Meets Tomorrow

Regular meeting and luncheon of the Motion Picture Association will be held at the Astor tomorrow. Plans for the annual dinner and dance will be discussed in addition to regular business.

189 Simultaneous Openings for "Dust Be My Destiny"

With the addition of 17 key city dates over the week-end, Warners' "Dust Be My Destiny" starring John Garfield and Priscilla Lane will have a total of 189 simultaneous engagements this week.

Additional dates are:

Warner, Bridgeport; Roger Sherman, New Haven; State, Harrisburg; Orpheum, Sioux City; Capitol, Lancaster; Geneva, Lake Geneva, Wisc.; Iowa, Cedar Rapids; Warner, Milwaukee; Mary Anderson, Louisville; Palace, Bethlehem; Ohio, Canton; State, Portland; Strand, Hartford; Lawler, Greenfield, Mass.; Keeney, Elmira; State, Johnstown; and Palace, Danbury.

Indianapolis Reopening

Indianapolis—The Indiana Theater will reopen Friday, according to Kenneth Collins, manager.

MPTOA'S CONVENTION OFF; BOARD TO MEET

(Continued from Page 1)

Ed Kuykendall, MPTOA prexy, announced at the week-end.

Originally the MPTOA had planned a national convention for San Francisco. In all probability, the next convention will be set for the Spring.

Stage Hands, Engineers Talk New Detroit Pacts

Detroit—Local 38, stagehands, is negotiating with all Detroit theaters employing stagehands for new two-year contracts, and is understood to be asking for continuance of present provisions.

Negotiations between theater operators and Local 5, International Association of Operating Engineers are continuing, with day to day operations under the old contracts which expired on Sept. 1. No agreement for two weeks is forecast of insiders, with both sides far apart on conditions.

Re-issue War Films

Jewel Productions is re-issuing two war films, "It Can Happen Again" ("Forgotten Men") and "War Is a Racket."



*Should HE divorce his wife....
or was this new romance merely an*

INTERMEZZO?

BRIT. PIX THEATERS ALREADY REOPENING

(Continued from Page 1)

of theaters in the West End and other large centers is expected within a few days—possibly today.

(That the Home Office was giving "sympathetic consideration" to the trade's views, presented by a joint CEA-KRS deputation, was exclusively published in THE FILM DAILY on Thursday).

It was disclosed that those theaters reopening would be permitted

Cables received in New York trade circles at the week-end indicated that theaters permitted to reopen by the British Government approximated 60 per cent.

not only to operate during the day but would remain open until 10 p.m.

The Home Office decision was given the trade Friday and came on the heels of an editorial barrage laid down by the influential Evening Standard of Lord Beaverbrook, which said that closing of the film theaters had brought on increased drinking.

"Madrid watched Charlie Chaplin when Franco was beating at the gates of the city," the Standard thundered, "so why not here? We don't want to fiddle while Rome burns, but we will fight none the worse for an occasional glimpse of Ginger Rogers. Even the voice of Deanna Durbin will not distract us from our duties."

Licensing of "Bank Nite" Ends Athol, Mass., Fight

Athol, Mass.—The Selectmen, licensing authorities of the town, have announced an agreement with the management of the York Theater for the resumption of Bank Night.

The agreement is an outcome of controversy since Bank Night and Bingo were stopped in March, 1938. Under the new agreement the town will receive fees of \$40 for each Bank Night as well as a total of \$535.30 to be paid also in the first 10 weekly installments of \$53.53 to reimburse the town in full for expenses incurred in a lawsuit brought by the theater management since the former Bank Night was stopped.

Under the previous setup the town received but \$30 per year for the theater license whereas under the new agreement the amount to be received for a full year means about 20 cents on the tax rate, it is pointed out.

Sophie Tucker Back in AFRA

Sophie Tucker has been reinstated in the American Federation of Radio Artists, following the recent settlement of the union jurisdiction dispute with the stagehands' union. She was suspended from AFRA for her activity in support of the American Federation of Actors.

ALONG THE



WITH PHIL M. DALY

● ● ● IN A recent issue we ran a box about an usher at the B & K Chicago theater being appointed to Annapolis.....this story intrigued the folks at the Orpheum Theater in Madison, the ace house of the Ashley Theater Co. in the Wisconsin city.....because one of their ushers made the grade at West Point.....

● ● ● SOME time ago Rollin Hamelin was an usher on the Orpheum's main floor, assigned to aisle three.....in his spare time he attended the University of Wisconsin.....one day he told J. H. Rupp, Director of Service Staff, that he would be leaving soon, as he had completed his examinations and qualified for West Point....."Rolly" used the ushering job as a stepping-stone to better things.....every once in a while he comes back to Madison from the military academy to visit his folks.....he drops in to see his old theater pals, and tell them how much benefit he received from his training as an usher....he has made the ushers very proud of him.....he has shown them how to look ahead and visualize a future while swinging up and down a theater aisle ushering patrons.....and so Director Rupp sends sincere best wishes to this B & K usher from all the Orpheum staff in Madison.....just a li'l Human Touch between theater workers many miles apart who don't even know one another.....

● ● ● ACCORDING to Besa Short of the Interstate Circuit down in Dallas.....things are a-goin' on down in the Southwest that we should know about.....ever since Blanche Hatton, Interstate's only woman manager of the Melrose Theater in Dallas, put over an All-Short Subject Program without a feature picture.....the idea has been catching on and cashing in.....not only for Interstate but for the other large circuits in that territory.....

● ● ● ONLY recently Charlie Meeker, Interstate's Dallas assistant city manager, and Henry Long, manager of the Melrose Theater, put over an All Short Subject Program.....and not only broke several records but increased business 300 per cent.....

● ● ● THE idea of the All-Short Show or several shorts booked with a feature is growing by leaps and bounds.....Standard Theaters of Oklahoma City are doing swell business with a regular weekly Variety Hour at the Midwest Theater where Spence Pierce uses five or six outstanding shorts with an average feature.....Jefferson theater's Irwin Waite at the Paramount in Marshall, Texas, is having great success with All Cartoon Shows.....Robb & Rowley's Don Douglas recently booked on All-Short Show in Huntsville, Texas, and doubled the take.....so.....Besa Short figures that this favorable reaction to Shorts when they are given a break deserves suitable recognition.....so do we.....

● ● ● SMASH publicity break.....for Little Irene Dare of RKO Radio's "Breaking the Ice".....in the Hearst newspapers.....with the youngster featured in the color section.....

CIO ATTACKS IATSE IN THEATER FIELD

(Continued from Page 1)

has petitioned the State Labor Relations Board for recognition as the bargaining agent for ushers, cashiers and doormen, in the RKO Metropolitan houses and the Rugoff & Piker circuit, but the fact that the union also intended to organize in other fields was unknown. The extent of their jurisdiction has not been made public until this time.

What reprisal action the IA and other A F of L unions will take, in whose fields the CIO union is attempting an invasion, can not be determined at this time, but the IA will certainly battle them at every turn. The UTMPSSE has 18 organizers in the field now.

However, it was pointed out at the week-end that all legit. houses have hard and fast contracts with actors when shows go into production, and also with stagehands, both unions now working together would seem to present an unbeatable front against any invasion. But in smaller independent film houses organization has never been completely finished and at the present time Local 306, IA operators union, is already being opposed by the Empire State Motion Picture Operators union, although it controls comparatively few houses.

It is expected that the principal organizing battles will take place in the small film houses unaffiliated with circuits, which in most part have contracts with Local 306. Labor Board petitions already filed by the new union have been opposed by the IA or other A F of L affiliates in each instance and no rulings have been handed down yet.

Appellate Division Hears "Ecstasy" Censorship Case

Albany—First important test to powers of the New York censors, "Ecstasy," which was banned nearly four years ago, comes for the second time today before the Appellate Division of the Supreme Court in a modified manner.

"Ecstasy" is a Czecho-Slovakian picture to which distribution rights are owned in this country by Eureka Productions, Inc., today's appellant.

Banned as "indecent" by Irwin Esmond, chief New York censor, in its original sequences, film now has been reshaped into a 1939 "streamlined" version in which a marriage precedes some of the objectionable scenes. Film was again rejected by Esmond and the reviewers early in February, however, and since has failed to get a license on appeal to the Board of Regents, hence today's resort to court test.

Sennett to Produce

West Coast Bureau of THE FILM DAILY
Hollywood—With a feature comedy, "Gas Masks," planned as the first production, Mack Sennett says he will resume as an indie producer in 60 days.

« « « » » »

REVIEWS OF THE NEW FILMS

"The Rains Came"

with Tyrone Power, George Brent,
Myrna Loy, Brenda Joyce

20th-Fox

104 Mins.

BRILLIANT STORY SUPERBLY PROJECTED TO THE SCREEN WITH STAR-STUDDED CAST IS A SURE-FIRE BOX OFFICE SMASH.

Exhibitors can advertise this as a "must." It sweeps breathlessly through its dramatic telling to a climax that will leave moviegoers both glad and sad. And, mark this, it cannot fail to please every type of audience. Clarence Brown has delineated the characterizations sharply and honestly, and he makes the most of every situation provided by the well-knit script Philip Dunne and Julien Josephson evolved from the Louis Bromfield best seller. George Brent is excellent as a hard-drinking, shiftless Englishman. Tyrone Power gives a polished performance as an Indian officer and surgeon. Myrna Loy capably fills the role of the lady who marries for money, but loved too late; and Brenda Joyce, a newcomer to the screen, makes a scintillating debut as the girl who weds Brent to redeem him. Nigel Bruce, Joseph Schildkraut, Maria Ouspenskaya, H. B. Warner, Marjorie Rambeau, Jane Darwell give strong support to the principals with finished portrayals and the remainder of the cast is equally as good. Miss Joyce, lovely to look at, with a delightful speaking voice and the other necessary qualities, should go far. The story is told directly and simply. Brent, who was formerly in love with Miss Loy, meets her again at the maharajah's palace with her wealthy and obnoxious husband, Nigel Bruce. He has previously met Brenda, whose family are missionaries, but he thinks of her merely as a young girl. When he meets Myrna, he realizes all is over between them, but he becomes alarmed when Myrna starts making a play for Power, Brent's best friend. However, there is nothing he can do to stop their romance and, in the meantime, he becomes more attached to Brenda. The rains start, pour down unabated. Then disaster strikes the Indian state of Ranchipur in the form of an earthquake and dams are smashed, loosing a flood of water that literally destroys everything in its path. Nigel Bruce is killed and Myrna is torn between a desire to leave and live or stay with Power and help in the hospital, choosing the latter. H. B. Warner, the rajah, is also killed when his palace is shattered by the quake and, as he dies, he names Power as his heir. Plague follows in the flood's wake and Myrna is a victim, with even Power's plea not enough to instill the will to live. Brent and Brenda are married and Power becomes the rajah of the rebuilt state, although it is a lonely future he faces. The flood and earthquake scenes are terrifying in their realism. The entire picture has been enhanced by use of sepia, enriching the Indian background.

CAST: Myrna Loy, Tyrone Power, George Brent, Brenda Joyce, Nigel Bruce, Maria Ouspenskaya, Joseph Schildkraut, Mary Nash, Jane Darwell, Marjorie Rambeau, Henry Travers, H. B. Warner, Laura Hope Crews, William Royle, Montague Shaw, Harry Hayden.

CREDITS: Producer, Darryl F. Zanuck,

"Full Confession"

with Victor McLaglen, Sally Eilers,
Joseph Calleia

RKO Radio

75 Mins.

POWERFUL PERFORMANCES BY McLAGLEN AND CALLEIA IN EMOTIONAL DRAMA MAKE SWELL ENTERTAINMENT.

Here is a highly tense-dramatic production that brings Victor McLaglen back to the type of performance that shot him to the heights in "The Informer." He handles an exacting part with impressive ability, as does Joseph Calleia who forsakes his heavy roles to play a priest. McLaglen on Christmas Eve breaks into a department store to steal a fur coat for his girl (Sally Eilers) who has expressed a wish for one. Surprised by the watchman, (Barry Fitzgerald) he knocks him out, steals his gun, and making a getaway kills a policeman. The discarded gun later convicts the old watchman, who is sentenced to death. McLaglen has cunningly had himself committed to jail for a short sentence for a minor offense, by breaking a window of a store right after the cop's murder, thus establishing an alibi if he should be implicated in the crime. A quarrel between convicts results in McLaglen's serious injury, and he is thought to be dying. He confesses the murder to the priest, who is bound by his oath to keep the secret, even though his parishoner, the watchman, is about to pay the penalty for the other's crime. Then the drama of the story grows with increasing intensity as the priest exerts every effort to persuade McLaglen to confess. In a tense scene, he does finally give himself up to the police, and the priest has won a great victory. The picture ends on a high note of spiritual exaltation. Here is a film that will exert a profound influence on religious elements. It will also appeal to the average film audience with its powerful emotional appeal, and splendid acting of the two principals. Great direction by John Farrow, and the acting throughout is exceptionally fine.

CAST: Victor McLaglen, Sally Eilers, Joseph Calleia, Barry Fitzgerald, Elisabeth Risdon, Adele Pearce, Malcolm McTaggart, John Bleifer, William Haade, George Humbert.

CREDITS: Producer, Robert Sisk; Director, John Farrow; Author, Leo Birinski; Screenplay, Jerry Cady; Cameraman, J. Roy Hunt; Editor, Harry Marker.

DIRECTION, Excellent. PHOTOGRAPHY, Fine.

"Blarney" to Alexander

William Alexander has secured the American and Canadian rights to "Blarney," Irish pix starring Jimmie O'Dea, Dublin stage comedian. Film will have its American premiere at the Academy of Music, Brooklyn, Sept. 17.

Director, Clarence Brown. Based on the novel by Louis Bromfield; Screenplay, Philip Dunne and Julien Josephson; Editor, Barbara McLean.

DIRECTION, Aces. PHOTOGRAPHY, Brilliant.

"Charlie Chan at Treasure Island"

with Sidney Toler, Cesar Romero,
Pauline Moore

20th Century-Fox

59 Mins.

SUSPENSE AND THRILLS FOR THE FANS IN CHARLIE CHAN WHODUNIT.

Charlie Chan piles on the suspense as the great sleuth played by Sidney Toler starts on the trail of a master criminal operating at the San Francisco Fair. The criminal is a magician who deals in occult science in a Temple of Magic. A writer has been murdered and his death made to appear suicide, but the Oriental sleuth learns that he was writing a book exposing the tricks of the occultist. Chan works with the assistance of a newspaper reporter and another magician (Cesar Romero) in unravelling this and other crimes and finally bringing the evidence close to the door of the menacing Zodiac. Pauline Moore plays the part of a mind-reader, and is of great assistance in helping the sleuth track down his quarry. She almost loses her life as she is about to reveal him as the killer of the author, but Chan moves in swiftly and the criminal is in the toils of the law. Sidney Toler is impressive in the part of the crime specialist. Cesar Romero as the great Rhandini is fine. Sen Yung is the amusing son of the great detective.

CAST: Sidney Toler, Cesar Romero, Pauline Moore, Sen Yung, Douglas Fowley, June Gale, Douglas Dumbrille, Sally Blane, Billie Seward, Wally Vernon, Donald MacBride, Charles Halton, Trevor Bardette, Louis Jean Heydt.

CREDITS: Producer, Edward Kaufman; Director, Norman Foster; Author, John Larkin; Screenplay, same; Cameraman, Virgil Miller; Editor, Norman Colbert.

DIRECTION, Fair. PHOTOGRAPHY, Good.

"Prisoner of Corbal"

with Nils Asther, Noah Beery

Unity

75 Mins.

ADAPTATION OF SABATINI NOVEL IS WEAK AND UNINSPIRED.

A very weak and disjointed production attempts to bring to the screen the Rafael Sabatini story of the French Revolution. The trouble is that it jumps around from romance to the melodramatic, then kicks in with some rather risque incidents, some of which have been obviously clipped, so that the entire film is disjointed, choppy and uneven. Hazel Terry plays the role of the girl who is saved finally from the guillotine. Nils Asther plays the part of the revolutionary leader. Hugh Sinclair is fine as the aristocrat in love with the girl. Noah Beery does a characteristic bit as a soldier.

CAST: Nils Asther, Noah Beery, Hazel Terry, Hugh Sinclair, Ernest Deutsch, Davy Burnaby, Clifford McLaglen.

CREDITS: Director, Karl Grune; Author, Rafael Sabatini; Screenplay, S. Fullman; Cameraman, Otto Kanturek; Editor, E. Stokvis.

DIRECTION, Weak. PHOTOGRAPHY, Fair.

"The Girl From Rio"

with Movita, Warren Hull

Monogram

63 Mins.

MELLER FOR NABORHOOD FARE HAS MOVITA SPREADING HER CHARM.

Fair number for the naborhoods, with Movita as the South American singer in New York endeavoring to secure the release of her brother who has been framed on a firebug charge through the conniving of the owner of a night club whose side-racket is collecting insurance on incendiary happenings he has created. She is aided by Warren Hull, who with the help of an insurance investigator, plans to get the evidence from the racketeer by having Movita planted as a singer in his night club. She secures the evidence in showing that the valuable stamp collection on which he collected the insurance is intact in his safe, but meanwhile the jealous girl friend of the night club owner discovers what the new singer's real objective is. The dramatic finale has the hero entering in time to save Movita from her tragic fate at the hands of the racketeer, and facing him with his guilt. Movita is very personable and appealing, and she sings well her Spanish numbers.

CAST: Movita, Warren Hull, Alan Baldwin, Kay Linaker, Clay Clement, Adele Pearce, Soledad Jimenez, Richard Tucker, Dennis Moore, Byron Foulger.

CREDITS: Director, Lambert Hillyer; Authors, Milton Raison, John T. Neville; Screenplay, same; Cameraman, Paul Ivano; Editor, Russell Schoengard.

DIRECTION, Fair. PHOTOGRAPHY, Okay.

"Stop, Look and Love"

with Jean Rogers, William Frawley

20th Century-Fox

57 Mins.

STARTER FOR NEW FAMILY SERIES SHOULD DO OKAY WITH POP AUDIENCES.

Looks like the launching of a new family series, the family being the Hallers. The story revolves principally around the efforts of Jean Rogers to have herself a boy friend, with mother (Minna Gombell) gumming things up by making the young man believe he is already part of the family. So daughter has to get her entertainment away from home with the admirer. Richard Kelland plays the suitor. Then there is dad, played by William Frawley; Cora Sue Collins the kid sister who wants to crash the movies; Harry Neville, a likeable youngster who is sweet on Cora; Jay Ward as the jitterbug type. The cast seems to have the edge on their material, but the pix should do okay with popular audiences.

CAST: Jean Rogers, William Frawley, Robert Kellard, Minna Gombell, Eddie Collins, Cora Sue Collins, Jay Ward, Roger McGee, Lillian Porter.

CREDITS: Producer, Sol Wurtzel; Director, Otto Brower; Author, Harry Delf; Screenplay, Harold Tarshis, Sada Cowan; Cameraman, Lucien Adriot; Editor, Nick DeMaggio.

DIRECTION, Fair. PHOTOGRAPHY, Good.

LEE NEWBERRY NAMED N. Y. ALLIED'S PREXY

(Continued from Page 1)

Louis Gold, Newark; Irving Dollinger, Linden; Harry K. Hecht, Passaic; Helen B. Hildinger, Trenton; Harry Kridel, Newark; Frank Gravatt, Atlantic City; Jacob Unger, Hillside; Sidney Samuelson, Newton, and George Gold, Newark.

Retiring President Gold called the convention successful in that it brought to all exhibitors a realization of the situation being created by the European war.

Court Denies All Defense Motions in Contempt Case

(Continued from Page 1)

tempt proceedings growing out of the 1932 "consent decree." He also denied all motions to dismiss the action on ground of lack of qualified evidence.

Adjournment was taken to Sept. 18 when the defense will present its side of the case.

Famous Players Canadian Improves Three Houses

Toronto—Famous Players' Canadian Corp. has three of its theaters in the Dominion scheduled for remodeling. These are the Capitol in St. Catharines; Metropolitan, in Regina, Sask., and the Strand in Calgary, Alta. These theaters will be refurbished as well as remodelled.

Traube Joins "Ramparts" Unit of March of Time

Shepard Traube, former theatrical producer-director and screen writer, has been appointed dialogue director of "The Ramparts We Watch," March of Time's first full-length feature now in production.

Treasurers in IA Fold?

Eventual outcome of the dispute between the TMAT and the IATSE over the status of the treasurers division in the former organization was expected at the week-end to be decided in favor of the IA, with all treasurers being represented by the IA as a bargaining agent. Hearing before the SLRB has been postponed until Thursday.

Detroit V. C. Tag Day

Detroit—Detroit City Council approved Variety Club's Tag Day for Oct. 16, designed to raise \$50,000 for serving free luncheons to 4,000 indigent school children.

Worcester House Debuts

Worcester, Mass. — Worcester's newest theater, the \$105,000 Greendale, has opened under the management of Emile Dufault, formerly with the Sturbridge Ride-In Theater.

THE WEEK IN REVIEW

War and the Industry—Greater Indian Market

By GEORGE H. MORRIS

DOMESTIC

WAR AND FILMLAND: Outbreak of hostilities in Europe found the film industry here calm and resigned to effectuate every step necessary to keep in normal high gear. Hollywood at the week's outset let it be known that the conflict overseas will not stop or even curtail 1939-40 schedules. 20th-Fox and Metro took the lead in announcing that they would stand pat on production plans, and consensus of other companies showed full agreement. The distribution and exhibition fields also took in praiseworthy stride events across the Atlantic. Well-informed executive sources admitted that a curtailment of activities on the Continent was inevitable, but expressed conviction that there would remain, in any case, some substantial portion of the European market open. It was also stated that, with careful planning and in light of the cessation of British and French production, Hollywood films would be in line to fill playing time left open in foreign marts.

LABOR: Over the Labor Day week-end, AAAA-IATSE agreement prevented a strike in the threatened labor war. Negotiations brought about a peaceful settlement of the jurisdictional dispute. Keys to the solution were dissolution of AFA; the reinstatement of Miss Sophie Tucker; pact of the unions not to invade one another's provinces. No mention was made in the agreement of Ralph Whitehead, who had been a vortex of the bitter controversy.

THE COURTS: Adding to the hectic series of events on the Labor Day week-end was the filing in Federal Court here of a list of 67 questions put to the defendants in the Government's equity action by the

D of J. Interrogatories required specific answers, but no date was set for mandatory response by each of the companies queried. . . . On Thursday, A. B. Momand in the name of Oklahoma Theaters, Inc., filed new equity action in Oklahoma City against the majors and the Griffith Co. . . . Meanwhile the Schines asked dismissal of the Government suit against that circuit. . . . Highlight in the legislative field was declaration by Col. Cole, national prexy of Allied, at Allied of N. J. convention, that the Neely Bill is due to pass when Congress reconvenes.

CODE AND BUSINESS: William F. Rodgers and Ed Kuykendall conferred in New York to consider problems growing out of the rebuff of the Trade Practice Code. . . . Chicago reported business improving there, and that closed houses were reopening.

FOREIGN

BRITISH SITUATION: With the first few days of war excitement subsiding, and being supplanted by the spirit to carry on notwithstanding pressure of economic and psychological nature, London checked in with word that the quota there would probably be suspended temporarily. Later dispatches asserted that houses would reopen early. Bernard Shaw called for not only general reopening but the erection of additional theaters where needed. Objective, maintenance of morale.

INDIA'S NEEDS: That the rapidly expanding exhibition field in India will require an additional 200 pix from the U. S. as result of the European war, was expressed by Baburao Patel, editor of Filmindia, Indian trade journal, who is currently visiting America.

Charles Loewenberg Dead

Milwaukee, Wis.—Word has been received here by H. J. Fitzgerald, general manager of the Fox-Wisconsin Amusement Co., of the death in Cincinnati of Charles Loewenberg, advertising and publicity manager for the circuit. Loewenberg had been suffering from arthritis for the past year and had gone to Cincinnati about five months ago to regain his health. He had been associated with Fox-Wisconsin and Fox-Midwest here for many years and prior to that with Paramount in Cincinnati and Indianapolis. He is survived by his wife and a daughter.

Promote Martin Friedman

Martin Friedman of the Warner home office playdate department, has been promoted to the booking staff of the Cleveland branch office, under branch manager Herb Ochs, it was announced over the week-end.

Shift Premiere Place

"A Brivele Der Mamen," Joseph Green's newest Yiddish picture, previously announced to open at the Waldorf Theater, will, instead, have its American premiere at the Belmont Theater next Thursday. The picture, which was made in Poland by the Sphinx Film Co., has English titles.

"End of a Day" Opening

"The End of a Day," French film, being released by I. E. Lopert of Juno Films, Inc., will have its American premiere tonight at the Filmarte Theater for the benefit of the Actors' Fund of America.

"Three Waltzes" In Portland

"The Three Waltzes," French musical distributed by Vedis will open at the Esquire Theater, Portland, Ore., the week of Sept. 29 for an indefinite run.

QUEMOS TRUST SUIT DISMISSAL REFUSED

(Continued from Page 1)

memorandum ruling out the motion by 27 defendants to dismiss the complaints.

Quemos, seeking treble damages, contends after the company (led the Mosque, in 1936, it experienced difficulties obtaining continuous supply of first and second-run features. Judge Fake granted a motion dismissing complaints as against a group of producer-defendants but denied such a motion concerning number of distributor-defendants.

When the suit was filed by Chester K. Ligham, Quemos counsel, 42 defendants were named. Quemos charged damages of \$1,175,000 and instituted suit for triple amount, plus costs and counsel fees.

It is expected the suit will be called up for hearing during the Fall term of Federal Court.

Warner District Managers Meeting to Discuss Sales

(Continued from Page 1)

Southern manager, and Roy Haines, Eastern and Canadian manager.

Attending the sessions will be W. E. Callaway, West Coast district manager; Fred Jack, Southern district manager; Rud Lohrenz, Prairie district manager; and Henry Herbel, Midwest district manager, who will meet with Kalmenson.

Meeting with Roy Haines will be Wolfe Cohen, Canadian district manager; Robert Smeltzer, Central district manager; and Ed Schniter, Eastern district manager.

Grad Sears and Carl Leserman will supervise the meets.

E. M. Loew Will Erect New Worcester Theater

Worcester, Mass.—A neighborhood motion picture theater to seat 800 persons will be erected at Billings Square by E. M. Loew's on land owned by R. Lawson Daniels, manager of E. M. Loew's Olympia Theater.

Work will be started at once and plans are to complete the house in 20 weeks. Daniels will manage.

"Tugboat Annie" to WB

West Coast Bureau of THE FILM DAILY

Hollywood—Warner Bros. has acquired the picture rights to the "Tugboat Annie" stories from M-G-M. The stories will be produced by Bryan Foy, with Alan Hale playing a leading role.

Name Larsen Time Prexy

Election of Roy E. Larsen as president of Time, Inc., succeeding Henry R. Luce, was announced at the week-end, following a special board meeting. Larsen had been vice-president. Luce continues as board chairman.

MAY REOPEN RKO'S STOCK UNDERWRITING

(Continued from Page 1)

stock is caused by a fluctuating and unstable stock market arising from the European war situation, Special Master George W. Alger stated on Friday that hearings would be postponed for another two weeks to a month.

Informed sources expressed the opinion Friday that the entire question of the flotation of stock may be reopened when Federal Judge William Bondy returns in the near future from his vacation, but it was not believed that any concrete action would be taken until the Stock Market reaches a normal level.

Para. Sales Execs. Meet With Agnew in Chicago

(Continued from Page 1)

ecutives present at the Blackstone Hotel here on Saturday and yesterday.

Here in addition to Agnew were J. J. Under, Eastern Division manager; Charles Reagan, Western Division manager; Oscar Morgan, Southern Division manager; G. B. J. Frawley and Alec Moss from the home office, district managers M. S. Kusell, Harry Goldstein, William Erbb, Allen Usher, Ralph Libeau, G. A. Smith, H. F. Wilkes and Hugh Braly and M. A. Milligan, Canadian general sales manager.

Following the sales discussions, the delegates attended a special screening of the four big Para. attractions; "Rulers of the Sea," "Disputed Passage," "Honeymoon in Bali" and "Seventeen."

Davenport House, Dark Six Years, to Reopen

Davenport, Ia. — The Columbia, closed for six years, is being remodeled by Tri-States into a modern 800 seater and is scheduled to open in November.

"Ultimatum" for World

American premiere of "Ultimatum," starring Erich von Stroheim, has been set for the World Theater. Oliver Unger, sales manager of J. H. Hoffberg, distributors of the film, set the deal with Gilbert Josephson, manager of the theater. Picture opens shortly.

Barcelona Plans Another

Baton Rouge, La.—Joe Barcelona, exhibitor who operates several neighborhood houses in this capital city of Louisiana, is ready to go ahead with another. The new house is to be called the Avalon and will seat about 700.

Garver House to Gregory

Terre Haute, Ind.—The Gregory Circuit acquired the Orpheum Theater here from Ross Garver. House will close for three weeks for repairs and remodeling.

REVIEWS OF NEW FILMS

☆ SHORTS ☆

"The Story That Couldn't Be Printed"

(Passing Parade)

M-G-M 11 mins.

Fine Patriotic Reel

The dramatic story of how the foundation for freedom of the press was laid in America. Back in early Colonial days, a printer named Zanger exposed the rascality of an official who was misappropriating public funds. A friend of his, John Alexander, undertook to secure positive proof so that the other could print the facts. Zanger was jailed. At the trial, Andrew Hamilton, the great lawyer and statesman, walked into the courtroom and announced that he was there to defend the prisoner. His plea was so eloquent that the jurors were swept off their feet and brought in the verdict of innocent, thus securing freedom of the press in this nation. Directed by Joe Newman.

"One Against the World"

M-G-M 11 mins.

Excellent Medical Drama

The dramatic story of Dr. Ephraim MacDowell, who is hailed in surgical history as the first doctor to perform a major operation on a human being. On Christmas Day in 1809 in a small American town, Jane Crawford lay dying, an operation her only hope. The doctor started operating as a bigoted mob outside threatened to break in and lynch him. As they throw a rope over a tree, ready to lynch the "murderer with a knife," the husband of the sick woman comes to the door and announces dramatically that the operation has proved successful. Directed by Fred Zinnemann.

"Betrayal" at Little Carnegie

"Betrayal," film portrayal of the life of Catherine the Great, will have its U. S. premiere at the Little Carnegie Theater Friday. Based on the novel, "The Princess Tarakanova," by G. P. Danilevski, pix is released by World Pictures Corp.

Daly Reopening the Lily

Plainfield, Conn.—Michael Daly, operator of the Capitol and Victory, Lowell, and the Daly, Hartford, reopened his newly-acquired Lilv Theater here Friday on a six day a week schedule, with Edward Sokolowsky, formerly of the Capitol, Lowell, as manager.

Kathryn Kidder Rites Held

Funeral services were held in New York Friday for Kathryn Kidder, 71, veteran actress and wife of Dr. Louis K. Anspacher.

"Rhumba Rhythm" (A Miniature)

M-G-M 10 mins.

Good Hollywood Fun

A couple of young girls, film fans, visit Hollywood and crash the exclusive La Conga in order to get a close-up view of the picture greats. There is a rhumba contest scheduled, and two male partners ask the girls to team up for the prize. They both are declared winners, and the silver cup is given to the girls. But they get an awful shock when their partners present their cards and bill as professional instructors. The girls are Helen Treen and Sally Paine. George Murphy acts as the contest judge. Directed by Sammy Lee. Produced by Louis Lewyn.

"Take A Cue" (Pete Smith Specialty)

M-G-M 9 mins.

Expert Billiards

A remarkable exhibition of billiards by the champion, Charles Peterson. He starts off with the elementary shots, and then works into a series of brilliant plays, one more magical than the other. His amazing trick shots will leave the audience gasping. Directed by Felix Feist. Pete Smith gives his usual crisp narration. Pete has a stooge making some shots against the champ to score the guffaws.

"The Bookworm" (M-G-M Cartoon)

M-G-M 9 mins.

Fine Fantasy

A melodrama enacted in the library, with the various fictional characters coming to life. "Macbeth" starts it when the three witches brewing a devil's potion require a worm. The "Raven" is assigned to get the worm. He goes in search of a bookworm, and the chase is on. The chase calls into activity such characters as Paul Revere, King Arthur, the modern Gang Busters, who finally save the poor bookworm from going into the witches' brew.

Linda Hill In P.A.'s

Linda Lee Hill has completed a week of personal appearances at the Academy Theater in Lebanon, Pa., in conjunction with the film, "Lure of Hollywood," in which she is starred. Pix was made by Allied Productions of Philadelphia, and p.a. tour is scheduled throughout Pennsylvania theaters.

New O. C. Suburban House

Oklahoma City — Another new suburban theater is under contemplated construction in Oklahoma City. Building is being planned by H. C. Keaton, owner of the Keaton Ice Co. There are no other houses within a mile of the location at present.

LITTLE FROM LOTS

By RALPH WILK

HOLLYWOOD

New Linda Ware Vehicle

CHARLES R. ROGERS has set a new picture for Linda Ware, who appeared in the "Star Maker." It will be titled "A Glimpse of Heaven," story by William Pierce and Mildred Barish.

Start New Holt Picture

The Larry Darmour-Jack Holt production, "Illicit Cargo," to be released by Columbia, is under way. Cast includes Jack Holt, Irene Ware, Eduardo Cianelli, Harry Carey. Director will be Lewis D. Collins.

Stanley on "Flying Deuces"

Fred Stanley will handle future publicity on the Boris Morros production, "The Flying Deuces," under supervision of Perry Lieber, publicity director, at RKO.

Lyrics by William Le Baron

Going back to his first love, song writing, which originally brought him into the business of making entertainment, William LeBaron, production head of Paramount studios, has contributed the lyrics for most of the top songs in "Victor Herbert," now being produced at LeBaron's plant. LeBaron has for long been an admirer of Victor Herbert, and had at one time contemplated writing an extensive biography of the great American composer.

New Pact for Priscilla Lane

Following her performance in "Four Wives," Warner Bros. has awarded a new term contract to Priscilla Lane. New deal becomes effective in two weeks.

Metro Retains Cummings

Jack Cummings signed a new contract as producer at Metro.

London Play for Robinson?

Warners is rushing preparations on "Footsteps in the Dark" as a possible vehicle for Edward G. Robinson, who returns to Hollywood in a few days from New York and a vacation in Europe. Decision on the picture will be reached following the star's return to the Burbank studio. "Footsteps in the Dark" is based upon a London stage success of last season.

Pagnol Cancels N. Y. Trip

The French Cinema Center has received a cable from Andre Boisson, general manager of Les Films Marcel Pagnol in Paris, stating that Marcel Pagnol will be unable to come to the U. S. as planned to aid in the proceedings now under way to have the New York censor ban on "Harvest" lifted. Pagnol has joined his regiment.

Major Studios Going Full Steam Ahead With Production

"Beau Geste" Intake 10-80% Ahead Of Average in 9 Pre-Releases

(Continued from Page 1)

chief, emphasized there would be no production curtailment and said the company looks to the domestic market to offset any foreign business drop. He also stated there would be no salary cuts, but there would be tightening up on unnecessary expenditures.

Jack Warner declared there would be no spreading of release dates on big pictures and that between Sept. 1 and Jan. 1 the company releases will include "The Old Maid," "The Roaring Twenties," "The Private Lives of Elizabeth and Essex," "On Your Toes," "We Are Not Alone," "Invisible Stripes," "Four Wives," "Espionage Agent" and "Dust Be My Destiny" which, with one other release for that period, represents a cost of approximately \$10,000,000. "Espionage Agent" opens at the Strand Sept. 23, it was said.

More Big Warner Pix

Among pictures not announced at the sales convention which Warner Bros. will make will be "The Fighting 69th," "Virginia City," "The Patent Leather Kid," "The Sea Hawk," "Captain Horatio Hornblower" and "We Shall Meet Again."

Warner announced that no anti-foreign pictures will be produced in view of the American declaration of neutrality.

Declaring that Paramount would not alter its production plans in any way, slash budgets or retrench along other lines at the present time because of the war, Y. Frank Freeman, studio production chieftain, left for the Coast Friday night after conferring at the home office for 10 days with prexy Barney Balaban, Neil Agnew and other execs.

Freeman, who was accompanied to the train by Balaban, said that the studio was about six months into its 1939-40 program, half of its product being now completed. He said that Para. had not planned to distribute any of its British-made pictures here this year, and therefore no replacements would be necessary on the schedule.

Record Intake for "Beau Geste"

Strongly indicating that the American box-office was not adversely affected by the war, it was disclosed by Para. at the week-end that

"Forget About War"

Racine, Wis.—The Rialto Theater here plugged "Golden Boy" with a newspaper advertisement captioned, "War!" and reading as follows: "Dreaded 3-letter word, abhorred by decent home loving families the world over! This message is written to detract your attention from the European crisis now existing. Forget about War! We reiterate that motion pictures are your best entertainment and we have just the picture to make you forget any critical situation now existing. A story the entire family will enjoy. Such a picture is 'Golden Boy'."

Maintain Quality Production and Keep Up Public Morale, Urges Allied Exec.

Atlantic City—A call to Hollywood to maintain quality production despite hostilities abroad was sounded by George Gold, retiring prexy of Allied Theaters of New Jersey at the closing session of the convention here Friday.

In his final address, Gold said:

"We see our first duty is to impress upon producers and directors that in these troublesome days it is necessary that quality be maintained as heretofore and that the general morale of the public is kept up. We need plenty of good entertainment to overcome effects of the war news and the public looks to the films to produce it."

Crown Mary Pickford as Tobacco Fete Queen

South Boston, Va. — Mary Pickford was crowned Queen of the fifth annual National Tobacco Festival by Governor Price of Virginia Friday. The ceremonies were preceded by a pageant. Miss Pickford flew in from Hollywood and received a formal welcome to Virginia on the steps of the state capitol in Richmond, with Governor Price officiating.

"Beau Geste" is running from 10 to 80 per cent above average in nine pre-release key cities while in nine other engagements the pix is out-grossing "Union Pacific."

Best showing thus far has been at the Metropolitan, Boston, where the 80 per cent figure was scored. At the Paramount, Newark, "Beau Geste" is 50 per cent ahead, while the Center, Salt Lake City, reported 48 per cent, the United States in Paterson, 45 per cent, the Majestic, Houston, 25 per cent, and the Palace, Rochester, Great Lakes, Buffalo, and Alabama, Birmingham, all 10 per cent.

John W. Hicks, Jr., Para.'s vice-president in charge of foreign operations, who arrived in New York Friday from his trip to Australia and New Zealand, found his prediction that theater business there would not be adversely affected by the war substantiated in a cable received here on the same day by Dan Carroll, Australian circuit operator.

Australian Biz Up

Cable advised the Aussie exec. that Para.'s "Jamaica Inn" in the week which saw Australia enter the war gave the Prince Edward Theater in Sydney its best biz in three years. Carroll, who conferred with Hicks, said that this should ease the minds of American producers who were of the impression that theater grosses abroad would drop considerably due to war conditions.

Nate Blumberg, Universal prexy, returning Friday to New York after three months spent at the studios, was of the opinion that the present war crisis would have little effect on the company's course, and added that once the industry could get a complete analysis, based on reliable information, much of the current retrenchment talk heard in Hollywood would dissipate.

Blumberg to THE FILM DAILY expressed unqualified satisfaction with

200 American Show Folks Said Stranded in Europe

Broadway booking agencies at the week-end estimated that a minimum of 200 American stage and screen folk are still in Europe, the majority stranded. Closing of theaters, casinos and night clubs left scores virtually penniless.

the company's condition, present and future.

"The remarkable tribute paid to Universal through the Exhibitor Sponsored Testimonial Drive" said Blumberg, "cannot be measured in dollars and cents alone. More important by far is the expression of exhibitor confidence in the company's progress, which means that from now on Universal may contemplate production expansion along lines that would have called for the greatest degree of caution in the absence of such knowledge."

Blumberg said that no change in U's production plans in regard to the number of features announced is contemplated, adding that the company proposed to express its appreciation of the drive with big pictures. "That's the language every exhibitor must understand," he put it.

Full Steam Ahead at UA

Murray Silverstone, UA top exec., emphasized anew at the week-end that UA and its producers were following the "full steam ahead" signal. Silverstone foresaw the next six months as one of the most important periods in the industry's history, with the screen meeting a most vital need at a time of unsettled world conditions.

Expressing a representative exhibitor viewpoint, Ed Kuykendall, MPTOA prexy, on Saturday urged the industry to avoid the jitters and count 10 before it attempted to take stock of the war situation. Kuykendall deplored alarmist talk of drastic production curtailment and called for sanity all along the line.

"It looks to me that some are attempting to cross the river before they come to the bridge," he commented. "In my judgment, we should have very good business for some time to come. Inevitably, films benefit from prosperity, and war trade, if experience counts, means that for the United States."

UA PRODUCTION SETS NEW ACTIVITY RECORD

(Continued from Page 1)

UA and its producers have reached the highest activity point in the company's 20-year history, Murray Silverstone, top exec., said at the week-end.

Activity at the studios of UA producers attained a record high during the past week. On Thursday "Rebecca" went before the Selznick cameras, and filming on Walter Wanger's "Send Another Coffin" was begun. Two days later Samuel Goldwyn, started production on "Raffles," and Charlie Chaplin announced that he had begun rehearsals of his tentatively designated "Production No. 6." Hal Roach is already well into his production of "Of Mice and Men," and Alexander Korda in England is putting the finishing touches on his Technicolor spectacle, "Thief of Bagdad."

Completed and ready for exhibition are Selznick's "Intermezzo, A Love Story" starring Leslie Howard; Goldwyn's "The Real Glory" starring Gary Cooper; Wanger's "Eternally Yours," starring Loretta Young and David Niven; Roach's "The Housekeeper's Daughter," starring Joan Bennett and Adolphe Menjou; and Korda's "Over the Moon," starring Merle Oberon.

With the current season only three months old, this represents a greater production output than that of any entire UA season in the past.

AHA to Hear of Alleged Pix Abuses to Animals

Albany—The nation-wide drive of the American Humane Association to end alleged film abuses of animals will be sparked by its annual convention here beginning today.

The four-day meet will be highlighted by the report of Eric Hansen, national general manager of the American Humane associated groups. Hansen returned last month from a six weeks' trip to Hollywood, where he contacted each major producing unit and visited on location to check alleged abuses to animals.

"Kol Nidre" Will Open

"Kol Nidre," new Jewish picture, produced and directed by Joseph Seiden, will have its premiere at the Clinton Theater on the lower East Side today.

In Propaganda Pix

London (By Cable)—First British propaganda film to be made at Denham by Alexander Korda will have Merle Oberon and Ralph Richardson as leads, the former as a Red Cross nurse, the latter as Royal Air Force officer. Title may be, "The Lion Has Wings."

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 50

NEW YORK, TUESDAY, SEPTEMBER 12, 1939

TEN CENTS

65 Per Cent of Paris Film Theaters Reported Operating NO WAR CURTAILMENT IS PLEDGED BY MORE MAJORS Broadway's Picture Grosses Continuing at High Level

"The Rains Came" Gives Roxy New Sunday House Record

Paced by record breaking business at the Roxy where the 20th-Fox picture "The Rains Came" established an all-time house record for Sunday attendance, Broadway houses over the week-end continued their upsurge in business over recent week-ends with a number of hold-overs resulting from the improved attendance figures.

"The Rains Came" at the Roxy was reported to be paralleling the all-time house records set by "Alexander" and a new record for Sunday business was established. Ex-

(Continued on Page 3)

100% CO-OP PLEDGED BY PARA. PARTNERS

Chicago—Paramount, prepared to proceed with its seasonal production schedule without deviation as a result of the European war, has been pledged 100 per cent co-operation by its theater partners, the assembled sales execs. were told here at a meeting called by Neil Agnew, distribution chief.

Agnew said that the company

(Continued on Page 11)

WCAU Applies for Television Transmitter in Philadelphia

Philadelphia—Application for permission to construct a television transmitter in this city was filed yesterday with the FCC by station WCAU, which states in its application that it wishes to study studio

(Continued on Page 6)

NLRB Sets Sept. 20 for Vote on Studio Workers' Bargainer

West Coast Bureau of THE FILM DAILY
Hollywood—NLRB has set Sept. 20 for the election at which time studio workers are to decide whether

(Continued on Page 6)

Spaniards Spurn Nazi Pix Gala Program

Burgos (By Cable)—Gala performance of Nazi films, under sponsorship of the Falangist party and with German and Italian ambassadors attending, was flopped. German pix debacle was in marked contrast to the SRO biz scored by a nearby house which, in opposition, played a revival of the Spanish version of "All Quiet on the Western Front."

MPTOA Board of Directors to Tackle 17 Unsolved Problems at Va. Parley

With the MPTOA board of directors scheduled to convene in White Sulphur Springs, Va., Oct. 23-24 "for a point by point, forthright discussion and consideration of industry problems," Prexy Ed Kuykendall yesterday released a general bulletin which cited 17 important problems as demanding "serious consideration by responsible exhibitors."

To be tackled are these questions:

(1) Can the industry work out a practical trade practice program under present conditions?

(2) Will the Dept. of Justice really try to block a practical, effective solution of trade practice problems?

(3) Would a Code (any Code) solve the existing situations?

(4) Do exhibitors (and distributors) prefer to settle disputes and grievances on unreasonable clear-

(Continued on Page 3)

New Momand Suit Hearing Scheduled for Thursday

Oklahoma City—Hearing on A. B. Momand's request for a court order forcing distributors to sell him second and subsequent-run product for his house at Shawnee, has been set before Federal Judge A. P. Murrah for Thursday.

Suit was filed here last week in

the name of Oklahoma Theaters, Inc., operator of the Odeon theater at Shawnee against Vitagraph, Inc., 20th-Fox, Metro (through Loew's), RKO, Paramount, Universal and Columbia as well as the Griffith Amusement Co., opposition to the Odeon in Shawnee.

French Provincial Theaters, Except Those Near German Frontier, Running

Calgary Branch Finishes First in Schaefer Drive

Calgary, Detroit and Buffalo finished in that order in the George Schaefer Drive, according to final audited figures. Announcement of the winners has been made by General Sales Manager Jules Levy. H. F. Taylor is branch manager at

(Continued on Page 6)

Paris (By Cable)—Approximately 65 per cent of the theaters in the Paris area were operating last week, with attendance figures reported returning to a nearly normal basis. Provincial theaters, with exception of those in areas near French-German frontier, are said to be open.

Mobilization has affected about 90 per cent of all employees in film companies here, but replacements have been secured in most instances,

(Continued on Page 6)

Production Plans of 20th-Fox, Universal and Columbia to Stand

American production prospects continued to brighten yesterday as top execs., here and on the Coast, emphatically announced that seasonal programs would proceed, unaffected by hostilities abroad.

In Hollywood, Joseph M. Schenck, 20th-Fox board chairman, asserted that the company will not curtail production nor lower quality or cut salaries, limiting its retrenchment to the elimination of waste and the exercise of strict economy.

Herman Wobber, general manager of distribution, returning to New York from Coast conferences, said any economies would not detract from picture quality, predicted an increasing upswing in business and said that reports indicated a nationwide general improvement.

Also in Hollywood, Harry Cohn,

(Continued on Page 6)

"U" REPORTS 39-WEEK NET OF \$989,995.21

Consolidated net operating profit of \$989,995.21 for the 39 weeks ending July 29, after all charges but before provision for Federal income taxes, was reported yesterday for Universal by J. Cheever Cowdin, board chairman. This figure repre-

(Continued on Page 11)

UA English Sales Force on Job, Carr Cables Kelly

United Artists' sales force in England is again on the job, Teddy Carr, joint managing director in England, advised Arthur W. Kelly, vice-prexy

(Continued on Page 11)

Wis. Assembly Turns Down Exhib. Revenue Suggestion

Madison, Wis.—The State Assembly last week failed to reach an agreement on the Senate tax bill, the

(Continued on Page 11)

THE NEWSPAPER OF FILM DOM ALL THE NEWS ALL THE TIME

THE Film DAILY

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CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	103 3/4	10	10	— 1/8
Col. Picts. vtc. (2 1/2%)	7 1/8	6 7/8	6 7/8	— 1/8
Columbia Picts. pfd.	19 3/4	18	18	— 1 3/4
Con. Fm. Ind.	1 1/4	1	1 1/8	— 1/8
Con. Fm. Ind. pfd.	8 1/4	7 7/8	8	— 3/4
East. Kodak	151 1/2	148 3/4	151	+ 1 5/8
do pfd.	162 1/2	162 1/2	162 1/2	+ 2 1/2
Gen. Th. Eq.	9	8 1/4	8 3/4	+ 1/8
Loew's, Inc.	33	31 1/2	31 1/2	— 1 1/2
do pfd.	102	102	102	— 1 3/8
Paramount	6 7/8	6 1/4	6 1/2	— 3/8
Paramount 1st pfd.	73	72	73	— 3
Paramount 2nd pfd.	7 7/8	7 3/8	7 7/8	— 1/8
Pathe Film	8 3/4	8 1/4	8 1/4	— 5/8
RKO	15 1/8	15 1/2	15 1/2	— 1/2
20th Century-Fox	12 3/4	12	12	— 5/8
20th Century-Fox pfd.	20 3/4	20 3/4	20 3/4	+ 1
Univ. Pict. pfd.	50 1/8	50	50	+ 2
Warner Bros.	3 7/8	3 3/4	3 3/4	— 1/4
do pfd.	43 1/2	41	41	— 5 1/2

NEW YORK BOND MARKET

Keith B. F. ref. 6546	99 3/4	99 3/4	99 3/4	— 1/4
Loew's deb. 3 1/2% 46	97	97	97	
Para. B'way 3555				
Para. Picts. 6555				
Para. Picts. cv. 3 1/4% 47				
RKO 6541				
Warner Bros. cv. 6539				
Warner Bros. db. 6548	82	81	81	— 1 1/2

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 1/4	1 1/4	1 1/4	— 1/8
Technicolor	10 7/8	10 1/4	10 1/2	— 1/4
Trans-Lux	2	2	2	+ 1/8
Universal Corp. vtc.	2 3/8	2 1/4	2 1/4	— 3/8
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102 1/2	
Fox Thea. Office Bldg. 1st '46		3 3/8
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	65	69
Roxy Thea. Bldg. 4s 1st '57	59	62

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

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SECURITY

COMING AND GOING

HERMAN WOBBER, general manager of distribution for 20th-Fox, and WALTER J. HUTCHINSON, director of foreign distribution, returned yesterday to the home office after studio conferences.

JAMES R. GRAINGER, Republic prexy and general sales manager, returned to the home office yesterday from a sales trip.

CLIFF WORK, Universal vice-president and general manager of the studios, flew to the Coast last night via United.

OSCAR MORGAN, Southern division manager for Paramount, and G. B. J. FRAWLEY, home office exec., arrived here last night from Chicago via United.

MATHEW FOX, Universal vice-president, leaves for Hollywood Friday.

ARTHUR M. LOEW, Metro vice-president in charge of the foreign department, is on the Coast.

BORIS MORROS left the Coast yesterday for New York.

W. RAY JOHNSTON, Monogram prexy, arrives in Hollywood this week.

ROBERT GILLHAM, Paramount ad. and pub. chieftain, is in Hollywood for studio huddles.

JAMES CAGNEY has cancelled his New York trip to start work in a new picture at the Warner studios.

ELSA MAXWELL is at the Waldorf.

GENE AUTRY and his wife fly to Hollywood tonight from Chicago.

EDDIE ALBERT plans a vacation here as soon as he completes his role in Warners "Four Wives."

PAUL MUNI arrives here next week to appear in a stage play.

ROBERT TAYLOR and BARBARA STANWYCK plan a motor trip East in the near future.

WALTER BRENNAN arrives here in several weeks for a vacation.

GEORGE RAFT has left for the Coast.

Dr. Hugo Riesenfeld, Pix Veteran, Dies on Coast

West Coast Bureau of THE FILM DAILY

Hollywood—Dr. Hugo Riesenfeld, 60, for many years musical director for theaters and studios, died here Sunday.

Dr. Riesenfeld was one of the early exponents of good musical accompaniments for motion pictures. Between 1917 and 1925 he was managing director of the Rivoli, Rialto and old Criterion theaters for Paramount, and developed many presentation features which are still in vogue. During that time he selected accompaniments for films, in many cases composing original music.

With sound making his work unnecessary in theaters, he became musical director for United Artists on the Coast between 1928 and 1930. Later he returned to New York to supervise music for the last "Ziegfeld Follies," and for a time conducted the Roxy orchestra.

Grainger Sets Rep. Deal With Minn. Amusement Co.

Product deal has been closed by Republic with the Minnesota Amusement Co., it was learned yesterday with the return of James R. Grainger, Republic prexy and distribution chieftain, to the home office. Deal calls for the entire 1939-40 product lineup. Grainger, Max Roth, midwest district sales manager, and Gilbert Nathanson, Minneapolis franchise holder, represented the distributing company.

John Friedl, Minnesota Amusement Co. prexy, and John Branton, represented the theater chain.

Marcus Loew \$3.50 Dividend

Montreal — Directors of Marcus Loew's Theaters, Ltd., have declared a dividend of \$3.50 per share on the seven per cent preferred, reducing arrears on the stock to \$15.75 a share. The dividend is payable Sept. 30 to shareholders of record Sept. 16.

Warners Zone Managers Meeting With Bernhard

Joseph Bernhard, general manager of Warner Theaters, will preside over a meeting of the Zone Managers today in the home office. Zone managers attending include: James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacobs, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John Payette, Washington and Herb Copelan, Atlantic City.

Among the home office executives who will participate are: Clayton Bond, Ed Hinchy, Leonard Schlesinger, Harry Goldberg, Willard C. Patterson, Frank Phelps, Nat Fellman, Abel Vigard, W. Stewart McDonald, Harry Rosenquest, Louis Kaufman, Herman Maier and Frank Cahill.

AGVA Mass Meeting Tonight; IA and AFM Helping Drive

Mass meeting of the American Guild of Variety Artists will be held tonight at the Hotel Astor. Organization work by the new union was reported yesterday to be rapidly increasing its membership, with active assistance from the IATSE and the A F of M reported to be helping the drive.

AGVA has worked out an agreement with Billy Rose whereby Aquacade players will receive payment for rehearsal time, it was stated yesterday.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 12
Lindsay Parsons
Alice Lake
Maurice Chevalier

The Mad Monsters Of War In Europe Are Loose

and civilization trembles on brink of disaster!

"Hitler"
--Beast of Berlin--

It's a bonanza of timely, dramatic, record-shattering screen entertainment!

Adapted from the inspiring story, "Goose Step," by Shepard Traube.

NO MATTER WHAT YOU THINK OF THIS DICTATOR—He's Big News!

Radio chains, newspapers, magazines and just plain folks at home are your advance agents for the

Greatest Exploitation Picture Ever Made!

"Hitler"
--Beast of Berlin--

National Release OCT. 8th. Wire Now for Pre-Release Bookings.

Producers Distributing Corporation

1436 N. Beachwood Drive
Hollywood, Calif.

Exchanges Everywhere

MPTOA TO TACKLE 17 UNSOLVED PROBLEMS

(Continued from Page 1)

ance and overbuying to deprive a competitor of pictures by:

- (a) Mediation and voluntary agreement?
- (b) Enforceable decisions of an arbitration board?
- (c) Lawsuits, intervention of public prosecutors, boycotts and reprisals?
- (5) Is there any fair, impersonal, and practical, standard for clearance between theaters?
- (6) Do exhibitors want a simplified exhibition contract?
- (7) Should short subjects, newsreels and trailers be a part of every product deal?
- (8) Would exhibitors prefer to get trailers direct from each company or through the medium of a complete service from a trailer company?
- (9) Will buying combines solve the buying problem of the individual exhibitor?
- (10) Do we want the Neely Bill, or any other law to prohibit and prevent any distributor from offering better prices and terms in order to induce the exhibitor to buy more than one picture?
- (11) Should non-theatrical showings of theatrical motion pictures be curbed and confined to non-competitive situations?
- (12) Should radio competition of motion picture talent and material be curbed?
- (13) What should be done about double feature competition, giveaways, premiums, lotteries, cut-rate admissions, etc.?
- (14) What can exhibitors do about the music tax extortion by Ascap? Why doesn't the government prosecute its four-year-old anti-trust suit against Ascap?
- (15) Should exhibitors in this country refuse to show any propaganda pictures favoring either side in view of the present European war and the expressed determination of this country to keep out of it?
- (16) What can exhibitors do to strengthen their defenses against the coming onslaught of state legislation, singling out the theaters for drastic regulation, special taxation and admission taxes?
- (17) What organized and unified effort should be directed by exhibitors and exhibitor organizations to combat the adverse publicity against the industry?

No Tele Dead Spots

Fear of television dead spots has been allayed by experiments conducted by NBC engineers while installing receivers in the 50-mile area served by W2XBS. Surveys conducted in New York and the surrounding area show that high buildings and metal construction do not interfere with image reception, it is said.

ALONG THE



WITH PHIL M. DALY

● ● ● THE spirited determination.....and high courage that have enabled this industry.....within the span of less than a lifetime to create and develop.....one of the world's greatest industrial empires.....never was better manifested.....than at a luncheon tendered by the New Universal.....in honor of Cliff Work.....in the Rainbow Grill Lounge yesterday.....with the publishers, business executives and editors of the trade press.....as the company's special guests.....

● ● ● "NATE BLUMBERG and Cliff Work would like to talk to you about Universal".....read the invitations from Lou Pollock.....and talk they did.....candidly, confidently and to the point.....and from what was said.....there is much to reassure and inspire.....not only Universal's exhibitor customers but the trade generally.....at a time when there has been too much loose talk.....too much fanciful speculation.....as to the effects of the European War.....upon film business here and abroad.....the sane slant voiced by Blumberg, by Work and others of the Universal high command.....was just what the doctor ordered.....for the strengthening and maintenance.....of morale in all trade fields.....

● ● ● OBSERVING that the company.....during the last 18 months.....has had a "dress rehearsal".....thus placing it in a position.....to meet the situation now presented.....Prexy Blumberg pledged Universal will deliver to exhibitors every picture scheduled.....And this without cutting in production.....without layoffs.....and without salary reductions.....Equally enthusiastic and assuring was Work, the company's studio chief.....who pointed out that instead of retrenching.....Universal is engaging in night production.....to solve the problem occasioned by demands on equipment.....

● ● ● JOE SEIDELMAN, Universal's foreign head.....took the floor to urge.....that there be a cautious approach.....to discussions of the foreign situation....."Things are not going to be nearly as bad.....as some people think.....In fact, the situation is improving daily".....was the gist of his remarks.....Seidelman pointed out that gossip.....as to possible heavy losses abroad.....was not only unwarranted.....but that, finding its way into the trade press.....was bound to lower trade morale overseas as well as here.....As to the English situation.....Seidelman appraised it neatly....."If the Englishman wants to go to the cinema.....he's going to the cinema.....war or no war".....(In this connection, a London cable to THE FILM DAILY yesterday.....disclosed that 3,000 theaters.....in the United Kingdom have already reopened.....Does that sound very much as though.....film biz in Britain is at an end?).....

● ● ● From Universal's board chairman, J. Cheever Cowdin.....came a tribute to Blumberg and his staff as....."the soundest group of operating executives in the industry".....William A. Scully, sales head, and William Taylor, banking representative.....spoke briefly while the trade press' spokesmen included.....Jack Alicote, Terry Ramsaye, Red Kann, Pete Harrison and Jay Emanuel....."U" was represented by.....Matthew Fox, Frank J. A. McCarthy, Charles Prutzman, Leo Abrams.....Also Dave Levy, Hank Linet, Morris Alin, James Jordan.....and Paul Barron, H. D. Graham and E. Goldsmith.

« « « » » »

B'WAY PIX GROSSES STAY AT HIGH LEVEL

(Continued from Page 1)

pected attendance for the first four days was 96,000, with a total of 76,393 for first three days, 25,656 passing the b.o. to set the Sunday mark. Warners "The Old Maid," at the Strand, continued to record high attendance figures in its fifth week, and holds one more week.

At the Paramount, Para's "The Star Maker" was only fractionally under the tremendous business the picture did there last week-end. This is the second week for the picture. Columbia's "Golden Boy" did excellent business at the Music Hall and will go a second week.

Metro's "Lady Of The Tropics" opened strong at the Capitol with the week-end business well above average, and way over recent week-end business for other pictures, with picture to be held another week starting Thursday. Other houses also reported improved business, and Broadway showmen optimistically point to these figures as a definite indication that the fall season is off to a fast start.

Neb.'s Ascap Case May Be Heard in Lincoln or Omaha

Lincoln, Neb.—After more than two years, decision on the anti-Ascap legislation of 1937 which was enacted into law, will be made in a 3-judge federal court session next Monday. Whether the session will be held here or in Omaha is unannounced as yet.

Framed by Senator Frank Brady, an Atkinson, Neb. rancher, the Nebraska anti-Ascap bill seeks to restrain operations of any and all music combinations or associations for price control. It does not name Ascap, but covers it fully. Shortly after the bill became a law, Ascap filed the test action, gained an injunction, and has been operating under it since.

Morros Eastbound on New RKO Distribution Deal

West Coast Bureau of THE FILM DAILY

Hollywood—Boris Morros left here yesterday for New York for conferences with George J. Schaefer, RKO prexy, to settle a new distribution deal with RKO for Boris Morros productions.

Gentle Hint

Vincent Trotta and Hap Hadley, those two art directors extraordinary, returned to New York yesterday after performing that arduous task of helping to select Miss America at the Atlantic City Beauty Pageant. Tough on those two to have to look at curves, angles and then again more angles and curves when their very own vocations require so much of that very sort of thing. Couldn't the pageant committee give the trade paper columnists a chance next year?

Signed, Sealed and Delivered
to the leading showmen in



*Keep
on your
toes!*

**FIRST OF THE TREMENDOUS
COMPLETE AND WAITING
WARNER**

ivered
ne land!



939-40 ATTRACTIONS
AT FAIR AND SQUARE
BROS.

BETTE DAVIS • MIRIAM HOPKINS
"THE OLD MAID"
in GEO. BRENT
with **DONALD CRISP • JANE BRYAN • LOUISE FAZENDA**
JAMES STEPHENSON • JEROME COWAN
WM. LUNDIGAN • CECILIA LOFTUS
Directed by **EDMUND GOULDING**
Screen Play by Casey Robinson • Based on the Pulitzer
Prize Play by Zoe Akins and the Novel by Edith Wharton
Music by Max Steiner • A First National Picture
JACK L. WARNER In Charge of Production • **HAL B. WALLIS** Executive Producer
HENRY W. BLANKE Associate Producer

NO WAR CURTAILMENT, MORE MAJORS PLEDGE

(Continued from Page 1)

Columbia prexy, announced that the studio contemplated no changes or lessening of any kind in its production activities. Single exception, said Cohn, was a 60-day temporary postponement of "Arizona." Columbia's exec. forecast a change in story trends, due to the war.

In New York, Universal's confidence was reflected both by statements made by Prexy Nate Blumberg and Cliff Work at a trade press luncheon

West Coast Bur., THE FILM DAILY

Los Angeles—Even though America should ever become involved in the European war, Hollywood would make more than 500 features annually, said Will H. Hayes, MPPDA prexy at a luncheon given at the week-end by Louis B. Mayer in honor of the House Naval Affairs Committee which is here to inspect Coast naval bases.

yesterday for the latter and in a letter sent to the company's stockholders last night by J. Cheever Cowdin, board chairman.

Blumberg, speaking at the luncheon in the Rainbow Grill Lounge, reiterated that Universal will deliver its announced program of 61 units without modification and without resort to cutting in production, to layoffs or to salary reductions. "Every picture scheduled to be delivered to our exhibitor customers will be delivered," he stated.

Work, vice-prexy and studio general manager, disclosed that the company not only had a strong backlog of product at the present time but would have 43 of its 61 units finished by Dec. 15. Double production shifts are at work at the studio, Work also revealed.

Cowdin's letter stressed the company's progress, mentioned principal factors in it and then turned to the situation presented by the war. Better American general business, due to the war, "might be expected to lead to an upturn in motion picture business than otherwise" it was stated.

The letter pointed out that more than half of English theaters are again operating, and added that experience has been that war tenseness created an insistent demand for entertainment of all kinds. "U" has not operated in Germany and France has been a relatively unimportant market, the letter continued.

Cowdin saw "some expansion" to be "reasonably anticipated" in Holland, Belgium, the Scandinavian countries as well as Latin America, Canada and the other British dominions.

Film Biz Goes On, Too

Film biz, like the show, must go on. And so Joseph Seidman, Universal's foreign chief, yesterday had a cable from Budapest from Louis Foeldes, normally supervisor in "U's" Paris office.

"Called to the colors and am now in uniform here but maintaining contact with all offices," Foeldes cabled in substance.

Ontario Houses Must Install Emergency Lighting Equipment by Censor's Orders

Toronto—By order of O. J. Silverthorne, chairman of the Motion Picture Censor Board, all theaters in Ontario must install emergency lighting systems by Sept. 30. Silverthorne states this order is to prevent the danger of panic ensuing if the regular lighting system should fail. Silverthorne warns failure to comply with the order will result in "drastic action." The new order will mean expenditure of thousands of dollars for new lighting equipment, there being several hundred theaters in Ontario.

Calgary Branch Finishes First in Schaefer Drive

(Continued from Page 1)

Calgary, J. Sharkey at Detroit and C. Boasberg heads the Buffalo exchange staff.

Thirteen branches crashed over quota to share in the rewards of those who reached 100 per cent or better. The quota reaching branches in the order of their standing, after Calgary, Detroit and Buffalo, are:

Montreal (M. Plottel, manager); New York (Bob Wolff, manager); Washington (R. J. Folliard, manager); New Haven (B. Pitkin, manager); Albany (B. G. Kranze, manager); Toronto (J. F. Meyers, manager); Denver (J. H. Ashby, manager); Charlotte (Charlotte was piloted by J. B. Brecheen who has since been promoted to manager of Atlanta. N. J. Colquhoun, who is now manager at Charlotte, was one of the winning salesmen while at Memphis); Memphis (A. M. Avery, manager); Los Angeles (N. P. Jacobs, manager).

San Francisco, G. Wm. Wolf manager, took first place in the "Fisherman's Wharf" contest. Cincinnati, under the leadership of Branch Manager Stanley Jacques and sparked by Ad Sales Manager Manny Trautenberg, was tops in the Ad Sales Bonus Plan.

Eight New Features Going Before Hollywood Cameras

West Coast Bureau of THE FILM DAILY

Hollywood—Eight new pictures are scheduled to go into work this week.

At Columbia, "His Girl Friday," no star announced.

At RKO: "That's Right You're Wrong," starring Kay Kyser. The Carole Lombard picture, "Vigil in the Night," starts again.

At 20th-Fox: "Daytime Wife," starring Tyrone Power and Linda Darnell; "Everything Happens at Night," with Sonja Henie and Ray Milland; "The City," featuring Donald Wood, C. Aubrey Smith; "The Adventurer" with Cesar Romero and Marjorie Weaver; "Man Who Wouldn't Talk," starring Lloyd Nolan and Jean Roberts.

At Republic: "Rovin' Tumbleweeds," starring Gene Autry. "The Covered Trailer" starts Sept. 15.

"Sudan" to Pam-O-Film

Pan-O-Film Exchange, Inc., of Buffalo will distribute "Sudan" in the Buffalo and Albany territories as a result of a deal set with Eleanor M. Paradeis by Mitchell Leichter. Pix will be screened for the trade later in the month.

WCAU Applies for Television Transmitter in Philadelphia

(Continued from Page 1)

pick-up technique and other factors involved in successful television transmission.

Only existent coaxial cable at the present time runs between New York and Philadelphia, with television station here of WCAU to be used in part for experimentation of transmission of New York programs by this means if license is granted. A station here would also allow experimentation over radio links of television stations in cities not over 100 miles apart.

Station plans continuous experiments of various outdoor events and direct programs in the building it would use. Experimental broadcasts have been under way by the station for the past two years over station W3XIR as a proving ground for measurements of field strength and sound transmission of television programs in this area.

NLRB Sets Sept. 20 for Vote on Studio Workers' Bargainer

(Continued from Page 1)

the IATSE or the United Studio Technicians' Guild is to be sole bargaining agent for them.

Around 7,500 workers are eligible to vote. Polls will be open from 6 a.m. to midnight.

12 Hollywood Air Shows to Start Within 60 Days

With radio programs to be started in the next 60 days hitting a new high of 58, a survey shows that 12 of the shows will originate in Hollywood. Data surveyed covers Columbia, NBC, and Mutual networks, includes new and renewal bookings.

Programs, sponsors and starting dates are as follows:

CBS—Lux Radio Theater (Lux Toilet Soap), last night; Star Theater (Texas Co.), Sept. 13; Silver Theater (International Silver Co.), Oct. 8; Big Town (Lever Bros.), Sept. 19; Burns and Allen (Hinds), Oct. 4; Jimmie Fidler (Drene), tonight; Hedda Hopper (Sunkist), Nov. 6; It Happened in Hollywood (Hormel), Oct. 9; Dr. Christian (Cheseborough Mfgs.), Nov. 1.

NBC—Bob Hope (Pepsodent), Sept. 26; Charles Boyer (Andrew Jergens), November.

MBS—Let's Go Hollywood (Cooperative), Sept. 29.

Schmidt Forms Company

Detroit—Radiant Lights Co. has been organized by A. T. Schmidt, and will handle theatrical fluorescent lighting. Offices are at 7715 12th St.

65% OF PARIS HOUSES REPORTED OPERATING

(Continued from Page 1)

with shipping schedules and internal distribution in the country itself principal problems at present.

Offices here in a large part have remained open. The RKO is installed in the home of Reginald Armour and the Fox Movietone News staff is making its headquarters at Russell Muth's suburban home. Communication with most continental countries has been completely shut off, with film staffs here getting their first-hand information by cable from New York.

Studios here are at a complete standstill, with little hope held that any will be reopened until the end of the war. It is expected that some producers may attempt production on the Riviera, but nothing definite has been planned along these lines yet. Mobilization has called technicians, players and a number of producers to the colors.

All French cameramen have been assigned to Army work, with the Army issuing one lavender print per week of activities to all newsreels here. Department organized by the government is called Press Filme, and weekly issue has been entitled Le Journal de la Guerre. Whether or not special cameramen of newsreel organizations who are not connected with the Army will be allowed to take any pictures of Army activities has not been announced as yet by the Government.

Newsreel companies here yesterday stated that action similar to the move by the French government might be put into effect in England, although nothing has been done as yet to indicate England is considering organization of a "newsreel bureau" similar to the French department. The Clipper, arriving yesterday, brought shots of Athenia survivors and actual war preparations in England.

Critics From 16 Georgia Towns At "Cavell" Preview

Atlanta—A representative of Governor Rivers and of Mayor Hatfield of Atlanta were among those who met Herbert Wilcox and Anna Neagle, the producer and star of "Nurse Edith Cavell," upon their arrival here yesterday from Washington. Film critics and newspaper writers from 16 Georgia cities were present at press interviews preceding picture's preview last night at the Fox Theater, at which Wilcox and Miss Neagle spoke.

Italian Calls Only

Only European country with which American pix companies could communicate by transatlantic phone yesterday was Italy. Calls for England and France were not accepted, lines being open for government use only, foreign managers said.



This Year's

**GREAT
GOLDWYN
PICTURE**



SAMUEL
GOLDWYN

presents

THE

Pulse-firing action drama of America
in the Philippines presenting **GARY
COOPER** in a roaring, fighting role *and*
confirming the stardom of 1939's
most exciting new player, **DAVID NIVEN**





The story of a man and woman
to rival **WUTHERING HEIGHTS**
The story of action-swept
adventure to surpass
THE HURRICANE

SAMUEL GOLDWYN
presents
Gary **COOPER**
THE REAL GLORY
with
DAVID NIVEN • ANDREA LEEDS
REGINALD OWEN
BRODERICK CRAWFORD • KAY JOHNSON
Directed by Henry Hathaway
FROM THE NOVEL BY CHARLES L. CLIFFORD
RELEASED THRU UNITED ARTISTS

"U" REPORTS 39-WEEK NET OF \$989,995.21

(Continued from Page 1)

sents an improvement of \$1,743,-102.64 over the corresponding period in 1938 when the company reported a loss of \$753,107.43.

In Cowdin's letter to stockholders, it is also asserted that indications point to an operating profit for the company for the month of August, although final figures were not available. Cowdin states that the company is farther ahead in production than for many years past.

Form New Audit Bureau

West Coast Bureau of THE FILM DAILY Hollywood—Application for charter has been filed at Sacramento by National Film Audits, Inc. The corporation will serve as the audit bureau for the independent producers in their relationships with state-right exchanges. The papers were filed by Herbert T. Silverberg.

20th-Fox Plans Showings

Trade screenings on the 20th-Fox Technicolor special, "Hollywood Cavalcade," will be held in all branches throughout the country either Oct. 1 or 2.

Cost of Theater Games Not Deductable As Operating Expense, Fla. Court Says

Tampa, Fla.—A suit over rent on the Tampa Theater building has been settled by a decree of Circuit Judge Parks holding the theater could not deduct as operating expense the cost of putting on Bank Night and Screeno, outlawed a few months ago by the Supreme Court. Under the order, Tampa Theater Buildings, Inc. collected \$3,578 additional rental on its lease to the Tampa Theater Corp. The judge's order said the lease provided for a rental of 12½ per cent of gross receipts, with minimum guarantee. While certain deductions for operating expenses were allowed, it was held the theater had no right to deduct expenses of \$28,600 incurred for Bank Night, Screeno and the "Question Box Review." Therefore the building corporation was entitled to 12½ per cent of this amount.

UA English Sales Force on Job, Carr Cables Kelly

(Continued from Page 1)

in charge of foreign distribution. London staff, however, has quit Wardour Street and is based outside the British capital.

Decision to permit reopening of British theaters was announced in London at 5 p.m., Carr cabled, adding that every booking had been dispatched by the following 8:30 a.m.

Kelly also stated that UA's pictures in London's West End theaters would follow in regular release order as soon as the government permitted the reopening, with Edward Small's "The Man in the Iron Mask" and Walter Wanger's "Winter Carnival" the first two scheduled for premieres.

Wis. Assembly Turns Down Exhib. Revenue Suggestion

(Continued from Page 1)

major piece of legislation blocking adjournment of the present eight-months-old session and a vote for reconsideration placed the measure on the calendar for today.

In its present form, the tax bill will raise about \$10,000,000 for the 1939-41 biennium through a cigarette tax and through re-enactment of a 60 per cent pension surtax. Diversion of \$7,500,000 of highway revenue, a step suggested at a recent hearing by exhibitor leaders, was stricken from the Senate bill by the Assembly. The measure is now about \$18,000,000 short of raising the estimated revenue required to meet biennium appropriations.

100% CO-OP PLEDGED BY PARA. PARTNERS

(Continued from Page 1)

has 26 completed features, eight more shooting and 17 definitely scheduled for production within the next few months.

"All of these pictures were cast, budgeted and planned with the possibility of the European crises in mind and not one will be dropped from our schedule nor will there be any budget revisions on any of these," Agnew said. "We will deliver 100 per cent."

Pictures which Para. will proceed with were named by Agnew as "Opened by Mistake," "Road to Singapore," "The Way of All Flesh," "Safari," "Texas Rangers Ride Again," "Buck Benny Rides Again," "Comin' Round the Mountain," "The Golden Gloves," "Royal Canadian Mounted Police," "Hot Ice," "Broken Heart Cafe," "Woman from Hell," "Light of Western Stars," an untitled Colbert production and three more "Hopalong Cassidys."

Rialto, Wilmington, Ready

Wilmington, Del.—Sept. 28 is tentative date for reopening of the newly enlarged Rialto Theater which closed July 1.



Should SHE surrender everything for his love? Or was it just an
INTERMEZZO?

ALL-TIME ROXY RECORD FOR "THE RAINS CAME"!

**Biggest Sunday in entire history of
theatre, topping even "Alexander's
Ragtime Band" and "Jesse James"!
Hundreds standing even after box-
offices were closed for last show!**



THE KEYSTONE OF YOUR FUTURE

Intimate in Character
International in Scope
Independent in Thought

THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 51

NEW YORK, WEDNESDAY, SEPTEMBER 13, 1939

TEN CENTS

RKO Adds Arbitration Clause to Exhibition Contract U. S. BIZ SITUATION BACKS "NO CUTS" DECISIONS Theater Investments Prevent Pix Curtailment--Schenck

Loew Prexy Says Majors Have More Money in Theaters Than in Production

Because the producing companies are, themselves, large exhibitors and have three to four times as much capital invested in theaters as in production, "it is foolish for anyone to think that our company—or any other major companies—will curtail production or lower the quality of pictures," Nicholas M. Schenck, president of Loew's, Inc., stated yesterday in defining the position of the industry in the present world crisis. "If we are to operate our theaters successfully, we must have outstanding pictures and plenty of them," he added.

Schenck's statement expanded the remarks he made exclusively to THE FILM DAILY last week.

Because of considerable speculation (Continued on Page 4)

CEA at Home Office On More Reopenings

London (By Cable)—Majority of English theaters still dark may be authorized to resume operation following a further Home Office conference today. The Home Office will receive a CEA deputation. Approximately 3,000 houses have already reopened, with business reported as good.

HAYS PREDICTS TELE TO BE FILM ADJUNCT

Television looms as an adjunct of the screen, not as a threat, in the opinion of Will H. Hays, MPPDA prexy.

Discussing television's relationship to the films in the current issue of Liberty, Hays says: "Many theaters will be equipped to bring in by television particularly important spot (Continued on Page 8)

AFA Executive Council Says It Will Not Dissolve

The American Federation of Actors Executive Council announced yesterday that the union would not (Continued on Page 4)

Nation-Wide Survey, Covering Eighteen Large Cities, Reflects Optimism—Gains for Motion Pictures Are Indicated

On the basis of the present industrial situation in the United States, film biz has nothing to fear domestically as a result of Europe's war. Announced decisions by leading American producers to avoid production cuts and adhere to peace-time seasonal programs, thus assuring both the domestic and foreign markets a steady flow of quality pictures, were thus bulwarked in unmistakable fashion yesterday by the results of an industrial survey made by THE FILM DAILY.

Designed to provide a broad and accurate picture of American business in the light of the war, the survey covered 18 cities. The reports in general were highly encouraging, indicating that either the war would have no effect on business or that it would serve to stimulate industry.

With the rise and fall of theater business closely linked to national prosperity, the optimistic trade re- (Continued on Page 7)

Crescent's Reply to Trust Action Now Due on Oct. 8

Nashville, Tenn.—George Armistead, Jr., defense chief counsel, announces that U. S. District Court has allowed an extension of 25 days for the filing of an answer to the Government's anti-trust suit against Crescent Amusement Co. and its (Continued on Page 8)

RKO Arbitration Clause in Contract Provides for Three-Man Local Boards

"U" Readies "Uncensored Version" of "All Quiet"

Re-edited and treated with up-to-date sequences, "All Quiet on the Western Front" will be released by Universal next week and will be billed as "The Uncensored Version." Decision to distribute the picture (Continued on Page 7)

RKO has added a new clause covering arbitration to its new licensing agreement. Wordage of the arbitration provision was completed yesterday and will be incorporated in the company's exhibition contracts.

Under the RKO plan of arbitration, disputes will be settled by a three-man panel. The distributor will appoint one arbitrator, the ex- (Continued on Page 8)

EQUITY DEFENDANTS SEEK POSTPONEMENT

All major defendants in the Government's equity suit joined hands yesterday in asking Federal Judge John C. Knox to defer action on the D of J's application for a preferen- (Continued on Page 7)

Alliance 12-Pix Schedule to be Unaffected by War

The war in Europe will have no effect on Budd Rogers' plans to distribute 12 Alliance Films productions this year. Rogers, vice-president and general manager of Al- (Continued on Page 4)

EK Employment Up

Rochester — Employment figures released yesterday by Eastman Kodak showed a gain of nearly 5,000 employees on the company's payroll as of Aug. 1 over the same date last year. Current payroll lists 26,056 employees as against 22,965 last year.

PRODUCTION IN EAST UNAFFECTED BY WAR

Production plans scheduled for Eastern Service Service Studios will not be affected by the European (Continued on Page 4)

RKO Radio To Establish Own Branch in Singapore

RKO is establishing its own exchange in Singapore to serve theaters in the Strait Settlements, Brit- (Continued on Page 8)

Third Week Record

"The Old Maid" has given Warners the largest number of third week holdovers since the company released "Forty-second Street" six years ago, the home office reported yesterday. Pix is staying a third week in 27 spots.

THE Film DAILY

ALL THE NEWS
ALL THE TIME

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	10	10	10	—
Col. Picts. vtc. (2 1/2%)	7	6 3/4	6 3/4	— 1/8
Columbia Picts. pfd.				
Con. Fm. Ind.	1	1	1	— 1/8
Con. Fm. Ind. pfd.	8	7 3/4	8	—
East. Kodak	151 3/4	149 1/2	150 1/2	— 1/2
do pfd.				
Gen. Th. Eq.	8 1/2	8 1/4	8 1/2	— 1/4
Loew's, Inc.	32 1/2	30 1/2	31 1/2	—
do pfd.	102	101 7/8	101 7/8	— 1/8
Paramount	6 3/4	6 3/8	6 3/8	+ 1/8
Paramount 1st pfd.				
Paramount 2nd pfd.	7 7/8	7 3/8	7 7/8	—
Pathe Film	9 1/4	8 1/4	9 1/8	+ 7/8
RKO	15 1/2	15 1/2	15 1/2	—
20th Century-Fox	12 1/2	12	12 1/4	+ 1/4
20th Century-Fox pfd.	21 1/4	20 3/4	21 1/8	+ 3/8
Univ. Pict. pfd.	50 1/2	50 1/2	50 1/2	+ 1/2
Warner Bros.	3 3/4	3 3/8	3 3/4	—
do pfd.	42 1/2	40	42 1/2	+ 1 1/2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100	99 1/2	99 1/2	— 1/4
Loew's deb. 3 1/2s46	97 1/4	96 1/2	96 1/2	— 1/2
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47				
RKO 6s41	55 3/8	55	55	— 5
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	80 1/2	80	80 1/2	— 1/2

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	— 1/8
Sonotone Corp.	1 1/4	1 1/4	1 1/4	—
Technicolor	10 3/8	10 1/4	10 1/2	—
Trans-Lux	2	2	2	—
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102	
Fox Thea. Office Bldg. 1st	46	3 3/8 5
Loew's Thea. Realty 6s 1st	47	
Met. Playhouse, Inc. 2nd deb.	45	63 68
Roxy Thea. Bldg. 4s 1st	37	58 61

Appellate Division Asks What's Sexy in "Ecstasy"

Albany—Counsel for the New York Department of Education was sharply questioned on what portions of the 1939 edition of "Ecstasy" Censor Irwin Esmond and his reviewers maintained to be "sexy," with Presiding Judge J. P. Hill of Norwich on the interrogating end and C. A. Brind of State counsel on the answering, as the Appellate Division, Third Department, reviewed the film.

Presiding Judge Hill asked Brind to elaborate on his reply that "the entire picture places undue emphasis on sex." The State placed part of its emphasis on the grounds that the same court had upheld censorship on "Ecstasy" in the latter part of 1937, but two new Justices have since been appointed, Judge Gilbert Schenck of Albany and Judge Christopher Heffernan of Amsterdam.

"Ecstasy," has been shown throughout the country, Counsel Henry Pearlman of Eureka Productions, appellants, stated, without trouble from censorship except in New York and Pennsylvania.

Appoint New Sales Heads for Two Mexican Offices

Mexico City — Enrique Molina Reyes, for many years chief booker with Paramount Films, S. A., has been appointed general sales manager of the Para. exchange to succeed James Bulnes who resigned to go to Trinidad.

Louis Moulinie, formerly general sales manager of the Mexican exchange of Metro-Goldwyn-Mayer, has assumed a similar post at the local office of RKO Radio Pictures, succeeding Alfonso Valadas, resigned.

Outline Convention Plans at W. Pa. MPTO Luncheon

Pittsburgh—Annual convention of the MPTO of Western Pennsylvania, Inc., at the Roosevelt Hotel here Monday and Tuesday, Oct. 23 and 24, will close with a banquet. Convention chairman and heads of the various committees will be appointed shortly.

A membership meeting and luncheon was held at the Roosevelt yesterday at which the product survey recently made by this organization was discussed. Convention plans were also outlined.

Para. to Pay Pfd. Dividends

At a meeting of Para.'s Board of Directors yesterday, the regular quarterly dividend of \$1.50 per share on first preferred stock and the regular quarterly dividend of 15c per share on the second preferred stock were declared. These dividends are payable on Oct. 2, to stockholders of record at the close of business on Sept. 22.

RKO Radio Sets Releases on 12 Features to Nov. 24

RKO will release 12 features between Sept. 15 and Nov. 24, it was announced yesterday. Three pictures, "Conspiracy," "Full Confession" and "The Fighting Gringo," were September releases prior to the 15th. "Full Confession" was the first picture on the 1939-40 schedule.

Pictures and their release dates up to Nov. 24 include:

"The Day the Bookies Wept," Sept. 15; "Fifth Avenue Girl," Sept. 22; "Nurse Edith Cavell," Sept. 29; "Everything's On Ice," Oct. 6; "Three Sons," Oct. 13; "The Flying Deuces," Oct. 20; "Allegheny Frontier," Oct. 27; "Queen of Destiny," Nov. 3; "The Marshal of Mesa City," Nov. 3; "Vigil in the Night," Nov. 10; "Reno," Nov. 17, and "Abe Lincoln in Illinois," Nov. 24.

"Fifth Avenue Girl" and "Everything's on Ice" are 1938-39 releases.

Court Orders Wanger's Suit vs. Daily News to Trial

New York Supreme Court Justice Felix Benvenga yesterday upheld the legal sufficiency of the complaint of Walter Wanger and Walter Wanger Productions, Inc., which seeks \$1,000,000 damages for alleged libel committed by News Syndicate Co., Inc., publishers of the New York Daily News and Ed Sullivan, columnist.

The Court, in denying an application to dismiss the complaint or to strike out parts of it, ordered that a jury decide whether an article written by Sullivan for the Daily News on the Goldwyn dispute with United Artists is libelous as far as Wanger is concerned.

The opinion stated that it was a "closed question" whether the article charges Wanger with incompetence and inefficiency as a producer or whether it was merely fair and honest comment, and that different inferences could be drawn by different persons reading the article.

Nathan Straus Will Again Head "The Night of Stars"

Nathan Straus, administrator of United States Housing Authority, will head the sixth annual "Night of Stars," the gigantic theatrical benefit for the settlement of Jewish Refugees in Palestine, which will be held on Wednesday night, Nov. 15, at Madison Square Garden in New York City, by arrangement with the United Jewish Appeal. Straus succeeds the late Harold Jacobi, who occupied the chairmanship for three years. Straus originated and held the chairmanship of the "Night of Stars" during its first two editions.

As his first move, Straus has called over 500 community leaders to a special luncheon at the Hotel Astor next Tuesday, Sept. 19, to discuss his preliminary plans to make the affair a success. Ben Boyar and Marvin H. Schenck, associate chairmen of the producing committee will report.

COMING AND GOING

COL. H. A. COLE, president of Allied States, leaves today for his home in Dallas.

GRSON WELLES planed from Newark last night for Hollywood to resume work on filming of Joseph Conrad's "Heart of Darkness," as writer-star-director-producer for RKO.

MAUREEN O'SULLIVAN will leave Ireland on the Yankee Clipper tomorrow, according to word received by her husband, John Farrow.

PAT J. MULLEN, Hill Top Theater, Pittsburgh; HARRY FRIED, Fried circuit, Wayne, Pa.; C. B. WOLF and BENJAMIN BECK, both of the Pimlico Theater, Baltimore, were recent guests at RKO Radio's exhibitors' lounge.

REGINALD RUBINSON of London is stopping at the Prince George Hotel.

MRS. HELEN DALY of the MPTOA GHQ is on a Havana cruise.

ROY T. HAINES, Warners' Eastern and Canadian sales manager, left the home office last night to visit company exchanges in Boston, Buffalo and Detroit, and returns next Monday.

ERROL FLYNN, who has been vacationing in New York, is scheduled to return to the Coast this week.

WILLIAM C. GEHRING, central division manager for 20th-Fox, is on a tour of mid-West exchanges.

JANE HALL, who scripted "It's a Date" for "U's" next Deanna Durbin picture, leaves the Coast for New York this week on magazine assignment.

J. H. ERLANGER, Continental attorney for Warner Bros., has arrived in this country from Holland.

WILLIAM KUPPER, Western division manager for 20th-Fox, is back in New York after a tour of his exchanges.

LOUIS D. FROHLICH and HERMAN FINKELSTEIN left yesterday for Lincoln, Neb., to prepare for trial of Ascap's suit against the state anti-Ascap law.

JACK OSSERMAN, Chicago branch manager for RKO Radio, is in town.

SAM MARX, Columbia story editor, has returned to the Coast following h.o. story conferences.

WE Paying 75c Div.

At a meeting of the directors of the Western Electric Co. yesterday a dividend of 75 cents per share on its common stock was declared. The dividend is payable on Sept. 30, to stock of record at the close of business on Sept. 22.

Warner Club to Elect

Annual election of the Board of Governors and officers of the National Warner Club, Inc., will be held at the Warner Home Office on Sept. 30. Delegates from all branches of the Club will take part in the election.

MALE SECRETARY!

Will more than prove my worth to you Mr. Busy Executive in LESSENING YOUR BURDENS!

An able assistant with unlimited qualifications. Thorough knowledge of the motion picture, theater and radio industries. Thoroughly competent in taking complete charge of an office and all its details to the most minute degree. A stenographer of merit and competency. Affidavits and recommendations, out of the ordinary, as to my integrity, character, capabilities and qualifications.

Grant me an interview! And you will be more than satisfied!

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HATS
IN THE
AIR!



ANOTHER
M-G-M HIT!

(One after
another.
Oh boy!)



Wallace BEERY

UNTOLD STORY
... now reveals Yankee
heroism against U-boat
terror in the last war!
Timely! Thrilling!

JUST LIKE THE HEADLINES!
Now it can be told how two-fisted
sea-going Yankees fought German
U-boats invading American waters in
the last war! Beery's back with thrills
and laughs in today's timeliest picture!

THUNDER AFLOAT
with **CHESTER MORRIS · VIRGINIA GREY**
Screen Play by Wells Root and Commander Harvey Haislip · Directed by **GEORGE B. SEITZ** · Produced by **J. WALTER RUBEN**
A METRO-GOLDWYN-MAYER PICTURE

TIMELY AS THE
HEADLINES!

THEA. INVESTMENTS BAR PIX CURTAILMENT

(Continued from Page 1)

tion in the industry and in financial circles, Schenck said that he, personally, had refrained from forming any snap judgment but "had chosen to await developments so that I could see our way ahead more clearly," before making a statement.

"Furthermore," he continued, "I believe that the orders closing theaters in England and France will gradually be relaxed as conditions permit, so as to make possible the furnishing of needed entertainment to the civilian population of the warring nations. However, should our foreign losses exceed present expectations, we will at that time consider ways and means of meeting the emergency."

AFA Executive Council Says It Will Not Dissolve

(Continued from Page 1)

dissolve and would continue as exclusive bargaining agent for its members with a strong possibility reported last night that the union might affiliate with the CIO, further confusing the organization of the variety field and directly threatening the recent peaceful settlement of the actors' unions jurisdictional dispute.

With the AFA refusing to quit, despite revocation of its charter by the IATSE which followed revocation of a previous charter from the AAAA, what the results of this action will be could not be determined last night. AFA executives yesterday asserted that the union "was by no means through and had a plan as the rank and file membership in a large majority refused to stand for the dissolution of the union."

In an official statement from the AFA last night it was pointed out that the union had not been consulted when the AAAA and the IATSE entered into their agreement, and therefore refused to be a party to it. They accused AGVA of being an illegally chartered union and in letters to all AFA members implored them to pay no attention to attempted organization by any other union and continue their membership in the organization.



Best wishes from THE FILM DAILY
to the following on their birthdays:

SEPTEMBER 13

Al Adams Jesse L. Lasky
Edwina Booth Claudette Colbert

ALONG THE



WITH PHIL M. DALY

● ● ● LONG, long before old man Aesop ever wrote his fables.... with a pre-O. Henry twist in the form of a so-called "moral".....this type of trite practice existed.....i.e. moralizing.....Today ethical advice is happily more sugar-coated, as witness Uncle Don getting the kiddies to bed on a national scale.....and covering them over with good counsel.....Then, of course, there is Popeye the Sailor with his spinach-will-help-you-throw-your-creditors-downstairs implication..... There are myriad other examples of moralizing.....and nearly all are pretty tart to taste.....

● ● ● NEVERTHELESS, we feel impelled to shift the camera for a moment to Burton, Ohio.....where one Irving Field.....a gent in his early twenties.....runs the 500-seat Opera House.....and making a "go" of it via personal contact..... the job being somewhat simple 'cause the townfolk aren't much more numerous than the seats in the Opry House.....What Field does is to make personal calls on the nabe families....introduces himself.....chats awhile.....invites the folks old and young to patronize his theater (which operates Fridays and Saturdays only).....and even has them leave notes at the b.o. telling what pix they would like to see.....Yezzir, the Field system grabs results.

● ● ● OKAY,—and now for the moral in the form of a query..... Isn't personal contact twixt the pix house of today.....and its customers lamentably on the wane as compared to the yesteryears?..... Once upon a time, we recall, one could barge into a community and say: "Who-all runs your movie house?".....and you could get the answer.....he was a personality.....much closer to the wants of the people and hence their pocketbooks than is currently the case.....Ah, you say, filmland has grown up!.....Sure it has, but alas!, personal contact hasn't grown proportionately with it.....and it should.....for methods can be devised which are just as big as the problem which is to be met.....Take, for instance, the biggest personal contact problem of all..... the relationship of the industry to the public.....Why have we no high-g geared, effective and efficient Public Relations Bureau?.....a group of young Mr. Fields.....whose "field" would be the nation..... not just Burton, Ohio.....

● ● ● CROSSING the personali-tees, as it were.....members of Loew's publicity-ad depts. tendered a tasty testimonial tid-bit yes'day to Anna D. Ellmer, office manager.....because she's only been with The Friendly Company for 25 years!.....a luncheon it was. . . ● Up Bridgeport way there were more congrats via Connecticut's Governor Raymond E. Baldwin.....who best-wished Matt Saunders, manager of Loew's Poli.....'twas house's 17th birthday. . . ● If you have 11 minutes and 5 seconds of reading "running time".....suggest that you grab current issue of mag Liberty.....wherein (starting on page 25) you will find "an exciting, authoritative look ahead at the wonder of movie magic in 1950".....author Will H. Hays.....title?.....Living Pictures Tomorrow: A Hollywood Prophecy.....

● ● ● ANOTHER article of extra-industry interest.....is christened Walt Disney's Donald Duck.....A Chronicle.....A Career.....Disseminator of the biog of the flat-foot duckie.....is RKO-Radio's Rutgers Neilson.....If you have a theater, a duck farm, a brood of youngsters, or anticipate appointment as Secretary of Agriculture.....by all means annex a copy.....

« « « » » »

PRODUCTION IN EAST UNAFFECTED BY WAR

(Continued from Page 1)

war, Frank Speidell, president, stated yesterday.

Two deals, calling for three features each, will be carried through to completion, he said, and negotiations are reported to be under way for additional eastern-made product. The Jack Wildberg-Jack Skirball pact for three pictures to be released by Columbia and the Lee Garmes commitment for three to be distributed by RKO are set definitely for production this season.

Meanwhile, there is some indication that certain pictures which had been designated by the majors for production in England may be shifted to Eastern Service Studios. While no negotiations thus far have been started, it is understood that the Hollywood studios will be pressed to capacity in turning out this season's programs and it is possible that at least part of those pictures which had been slated for the English studios will be made in New York.

Alliance 12-Pix Schedule to be Unaffected by War

(Continued from Page 1)

lance, yesterday announced that he will not curtail his schedule in any way and that he will release one picture a month as originally planned. "Dead Men Tell No Tales," "Black Limelight," and "Housemaster" are already in the theaters and October will see a melodrama of espionage in the British Navy, "North Sea Patrol," on the market. "Just Like A Woman" is set for November release and following that "Spies of the Air," "One Night in Paris," "The Hidden Menace," "The Terror," "Little Miss Molly," "Black Eyes," and "Mystery of Room 13" will be readied for distribution.

Wisconsin Indies to Open Milwaukee Meet Sept. 27

Milwaukee, Wis.—The Independent Theaters Protective Association of Wisconsin has scheduled its annual convention here for Sept. 27-28.

An all-industry outing under the auspices of the Association will be held at Lake Geneva, next Monday.

WEDDING BELLS

Irving Dashkin, manager and film buyer of the Savoy Theater, Jamaica, L. I., and Sylvia Sagrams of Philadelphia, were married in Philadelphia Monday. Mr. and Mrs. Dashkin are spending several days in Atlantic City and are planning a delayed honeymoon during the winter months.



Those
"HONEYMOON IN BALI"
UUUUUMFFF GIRLS...
 They've got what it takes



Lookeee...

Hollywood Critics Hand Paramount's "HONEYMOON IN BALI" the Polynesian Palms!



Paramount's "HONEYMOON IN BALI"

"All honeymoons are fun, this one is special fun."

—Jimmie Fidler

Paramount's "HONEYMOON IN BALI"

"Boxoffice tonic. An incessant bombardment of delicious fun. Its timeliness, smartness, brightness and its marquee-name strength combine to predict it as a sure thing."

—Hollywood Reporter

Paramount's "HONEYMOON IN BALI"

"Here is a pungent and luscious piece of adult entertainment, headed for praise and coin. The slickest dialog and smoothest story telling heard and seen in many moons and honeymoons."

—Daily Variety

Paramount's "HONEYMOON IN BALI"

"A boxoffice natural in a time when light entertainment is a necessity."

—Showman's Trade Review

Paramount's "HONEYMOON IN BALI"

"Get out the banners and wave them for 'Honeymoon in Bali,' the smoothest, most polished romantic comedy in many a moon. One of the best pictures to come out of Hollywood in a long time."

—D. M., Los Angeles Examiner

Paramount's "HONEYMOON IN BALI"

"Exhibitors can ballyhoo 'Bali' from the housetops. Has everything. Contains all the elements of good celluloid entertainment."

—Jay Emanuel Publications

Paramount's "HONEYMOON IN BALI"

"A tender love story which makes it a highly acceptable bundle of entertainment to please theatre patrons of all ages."

—Boxoffice

Paramount's "HONEYMOON IN BALI"

"A Bali Bali swell picture. A first class job by all concerned and well worth anybody's money."

—Erskine Johnson
columnist

Fred MacMurray • Madeleine Carroll
Allan Jones in
"HONEYMOON IN BALI"

A Paramount Picture with AKIM TAMIROFF • Helen Broderick
Osa Massen • Carolyn Lee • Directed by Edward H. Griffith
Screen Play by Virginia Van Upp • Based on Stories by Grace Sattwell Mason and Katharine Brush

World Premiere Wed., Sept. 13
—at Rex Theatre, Wheeling, W. V. Bands,
parades, official welcoming committees,
and, of course, the little guest of honor,
CAROLYN LEE, herself.

Wheeling Steel Corp. Party in honor of
CAROLYN LEE broadcast from coast to
coast on Tuesday over 122 Mutual net-
work stations.



BIZ SITUATION BACKS "NO CUTS" DECISION

(Continued from Page 1)

ports from North and South, East and West, were interpreted as indicating attendance gains in many territories.

Condensed, the reports from the field:

DELAWARE—Return to production in the auto industry with a consequent rise of consumer purchasing power is expected to provide the necessary stimulant for a better-than-average movement of fall merchandise. Reports by wholesalers indicate sales ranging from 10 to 15 per cent above a year ago, with collections holding up well.

CHICAGO—Wheat and corn prices the best in more than a year. Retailers expect above-average fall trade.

CLEVELAND—Steel production expected back at 80 per cent of capacity. New car sales about doubled the same period of a year ago, and used car sales about 25 per cent up.

INDIANAPOLIS—Steel mills in Indiana reported running 60 per cent of capacity, highest peak in years. With recent release of "In Name Only" and "The Star Maker" in this territory, film business is on the upgrade and should continue.

PITTSBURGH—Aided by the wave of war-buying, business in Pittsburgh district continues to gain on a broad front. The general index last week rose from 94 per cent of the 1923-25 average.

MILWAUKEE—General optimism that business generally will increase towards the end of this month. "Stanley and Livingston" opened in all situations to outstanding business.

CINCINNATI—Retail trade generally good, with some department stores reporting from 3 to 10 per cent increase.

BOSTON—Trade in Boston, although not enjoying the rise in commodities that is going on in the South and Mid-west, is nevertheless leading with an increase from 3 to 7 per cent. Shipping business normal. Employment pickup noted.

BUFFALO—Loss of Canadian retail trade should be offset by increased activity in grain, steel and aircraft.

WASHINGTON—The war will have no effect on business in this area.

ST. LOUIS—Effect of war news, to date, here, has been to increase optimism in business prospects.

SAN FRANCISCO—General business tone around town is good, although there is some talk about what the war will do to our shipping here. It has already hurt some, as tonnage has dropped and will drop more.

SEATTLE—There is no anticipation that the war will hurt business in this territory.

SALT LAKE CITY—The market prices of fruit and vegetable products has shown an increase, along

Extend Games Ban

Belvidere, N. J.—A ban at first aimed at Bingo games conducted by an outside syndicate is being extended by Warren County Prosecutor Cook to include "charity" games "and all other forms of gambling" in churches, halls or theaters.

"Theater Handbook" Edited by Sobel, Ready Next Month

"The Theater Handbook" edited by Bernard Sobel is announced by Crown Publishers for late October publication (\$3.00). Sobel is a member of Howard Dietz's publicity staff at M-G-M.

It is styled the first encyclopedic dictionary of the theater ever published in this country and contains information on all matters pertaining to the drama and the stage, as well as all the allied interests from music hall and circus to ballet, radio, movies, and television. There are digests of about 1,000 important plays of all time, biographies of players and playwrights and important articles on all technical as well as cultural and historical aspects of the theater: lighting, make-up, costuming, Restoration drama, the influence of the stage, etc.

Among the contributors are: Barrett H. Clark, Carl Glick, Tallulah Bankhead, Lucius Beebe, Howard Dietz, Arch Oboler, Raymond Massey, William A. Fields, Gilbert Selles, Aline Bernstein, Abel Green, Ward Moorehouse, George Freedley, Nat Karson, Cleon Throckmorton, Harry Hirschfeld, Richard Cordell, Brock Pemberton, Antoinette Perry, Robert Gessner, Arthur Richman, and John Martin.

M. P. Associates Meet; Intensify Membership Drive

First fall meeting of the Motion Picture Associates organization was held yesterday at the Astor. Plans were discussed for the annual dinner and dance which will be held this fall but no date was set. Jack Ellis, prexy, presided.

Names of seven applicants for membership were read with the membership drive to be intensified this fall, Ellis said. Business meeting will be held at the Lincoln Hotel next Thursday.

with flour and sugar. Canning companies have purchased all surplus peaches and tomatoes—consequently, prices show an increase.

NEW HAVEN—Winchester's has received a large government order for rifles. The New Haven Clock Co. has started to work full time.

PORTLAND, ORE.—Business conditions are picking up throughout the state.

OKLAHOMA CITY—With all oil wells again open, this territory should benefit materially from the war's demands.

BIRMINGHAM—Alabama's steel mills are running on full time. U. S. Field Corp. plans a new \$5,000,000 addition to its tin plate plant in expectation of war demands.

EQUITY DEFENDANTS SEEK POSTPONEMENT

(Continued from Page 1)

tial trial until the Court has decided what interrogatories must be answered by the defendants and the date for answering them. The request was in the form an affidavit of John F. Caskey, attorney associated with Dwight, Harris, Koegel & Caskey, representing 20th-Fox, and an affidavit of Ernest Finkelstein, of Schwartz & Froehlich, attorney for Columbia Pictures.

Caskey, in his affidavit, stated that he was authorized to represent all majors except United Artists and Columbia and pointed out to Judge Knox the fact that the interrogatories covering a very broad field had been served on the defendants on Sept. 1. Caskey argued that all prior estimates as to the date when the defendants could be ready for trial must now be discarded if they must devote many months to the preparation of answers to the Government questions.

He contended that Government action had confirmed statements made to Judge Knox by the defendants on July 21, when the preference motion was argued as to the scope of issues which must be heard during trial, and the magnitude of the task necessary for adequate preparation. The broad field covered by the interrogatories proved, the affidavit said, that the defendants could not concentrate on particular localities and transactions, but "must include statistical surveys of production, exhibition and distribution and the examination of conditions in practically every city and town in the country."

The affidavit pointed out a number of specific questions which would require many months to answer, and concluded by stating that a decision on the preference motion should properly be deferred "until a determination has been made either by order of Court or by arrangements between the parties as to the interrogatories which are to be answered and the time when said answers are to be filed."

Columbia's affidavit asked for a complete denial of the preference motion and claimed that it would require a full year to answer interrogatories. It cited one instance in which Columbia would have to give details on 450 films exhibited in 27,000 theaters. For the most part the affidavit restated the arguments raised by the other majors.

"U" Readies "Uncensored Version" of "All Quiet"

(Continued from Page 1)

was made by Universal officials after a reported heavy business was chalked up at the St. Louis Theater, St. Louis. W. A. Scully, Universal sales manager, said yesterday rush orders had been made on new print versions and that a new press book and accessories were being prepared.

«REVIEWS»

"Honeymoon in Bali"

with Fred MacMurray, Madeleine Carroll, Allan Jones, Akim Tamiroff

Paramount 95 Mins.

(HOLLYWOOD PREVIEW)

GAY, REFRESHING COMEDY BRILLIANTLY DIRECTED SHOULD REGISTER AS SOCKO B.O.

Here is one of the gayest, most refreshing comedies to come to the screen in many moons. Edward H. Griffith's deft directorial touches make the picture a delight and interest is held to the end. Virginia Van Upp's dialogue is snappy and bright, while her screenplay is full of clever touches. To Jeff Lazarus goes generous credit as producer. Fred MacMurray has never done better work than as a resident of Bali, whose visit to New York decidedly upsets Madeleine Carroll's scheme of living. Miss Carroll is especially good as a very successful manager of a Fifth Avenue shop, who feels she does not need a husband in her life and that independence is more valuable. Talented, four-year-old Carolyn Lee, a screen newcomer, helps Fred dispel that idea, as does Akim Tamiroff, a window cleaner, who likes to advise Madeleine. Allan Jones is very capable as a concert singer, who is Fred's rival for Madeleine. Helen Broderick gives her usual good performance, while Osa Massen, a newcomer, is a splendid choice for the role of the girl, who pursues Fred. On his visit to New York Fred falls in love with Madeleine, but she rejects his proposal, feeling that her "freedom" is more valuable. It is after he returns to Bali that she discovers she cannot live without him. She hurries to Bali, only to learn that he is to marry Osa. Heartbroken, she returns to New York. Soon, Fred is also back in Manhattan and when Madeleine learns that he did not marry Osa, the picture ends with the lovers in each other's arms.

CAST: Fred MacMurray, Madeleine Carroll, Allan Jones, Akim Tamiroff, Helen Broderick, Osa Massen, Carolyn Lee, Astrid Allwyn, Georgia Caine, John Qualen, Fritz Brunette, William B. Davidson, Binnie Bartlett.

CREDITS: Producer, Jeff Lazarus; Director, Edward H. Griffith; Screenplay, Virginia Van Upp; Original Story, Grace Sartwell Mason and Katharine Brush; Photography, Ted Tetzlaff.

DIRECTION, Brilliant. **PHOTOGRAPHY,** Fine.

SLRB Hearing Today May Settle TMAT Brooklyn Strike

A possibility that the current strike of the Nelson-Renner-Endicott circuit in Brooklyn by the TMAT might be settled when the New York State Labor Relations Board hears the case today was reported last night.

A deadlock has existed between the union and the circuit since the strike started, with all of the circuit's houses being picketed. Raybond Theaters-TMAT hearing is also expected to come up before the SLRB today.

ARBITRATION PLAN IS ADOPTED BY RKO

(Continued from Page 1)

hibitor will name one and these two men will appoint a third arbitrator, the latter to be a disinterested party and one who is outside the industry.

Disputes in which RKO pictures are involved may be arbitrated in every key city in which the company has a branch. It is understood that the arbitration plan will be put into effect immediately.

RKO Radio to Establish Own Branch in Singapore

(Continued from Page 1)

ish Malaya, Federated Malay States, Unfederated Malay States, Borneo and Sarawak. Approximately 100 theaters are operating in those territories. Heretofore, RKO distributed its product in the area through franchise holders.

A new corporation, known as RKO Radio Pictures (Malaya), Inc., has been chartered in Delaware and directors will be named tomorrow at a meeting of the RKO board.

Resumption of Native Production Sees Five Films Shooting in Mexican Studios

Mexico City—Following a period of almost complete inactivity, Mexican studios have reopened, with five new pictures being produced simultaneously at the Cinematografica Latino Americana, S. A. (Clasa), studios, the Garcia Moreno (Azteca) plant, and the Stahl (Mexico Films) factory. Two are before cameras at the first two mentioned, and one at the latter.

Crescent's Reply to Trust Action Now Due on Oct. 8

(Continued from Page 1)

affiliates and the distributing agencies. This moves the date up to Oct. 8. Armistead states that the defendant's answer will be ready by that time.

Construction of several new theaters by Crescent is being continued. A new house in Murfreesboro is nearing completion.

Nat'l Parenthood Week Tie-in for Warner Pix

Campaign plan for Warners' "A Child Is Born" is being distributed to exhibitors this week. Exploitation section contains a number of promotion ideas intended to aid in tying in with "National Parenthood Week" sponsored by Parents Magazine during the week of Oct. 23-29, during which period the film is scheduled to have its greatest number of showings.

Allied Would Accept New New York Unit, Says Cole

(Continued from Page 1)

pelled from the national body because of policy differences. It has been understood that the State association would continue as an unaffiliated unit.

Col. Cole said that the matter of invading the New York territory with another unit had not been discussed "officially" and that there were no plans for a board meeting before January. Col. Cole returns today to his home in Dallas, after having attended the New Jersey Allied convention in Atlantic City last week.

Amdur's Father Dead

Pittsburgh—Hyman Amdur, 75, father of Bennett Amdur, who operates the Garden Theater in this city, died after a lingering illness. He is survived by three sons and three daughters.

HAYS PREDICTS TELE TO BE FILM ADJUNC

(Continued from Page 1)

news events. It is unlikely that dramatic presentations will be televised to theaters."

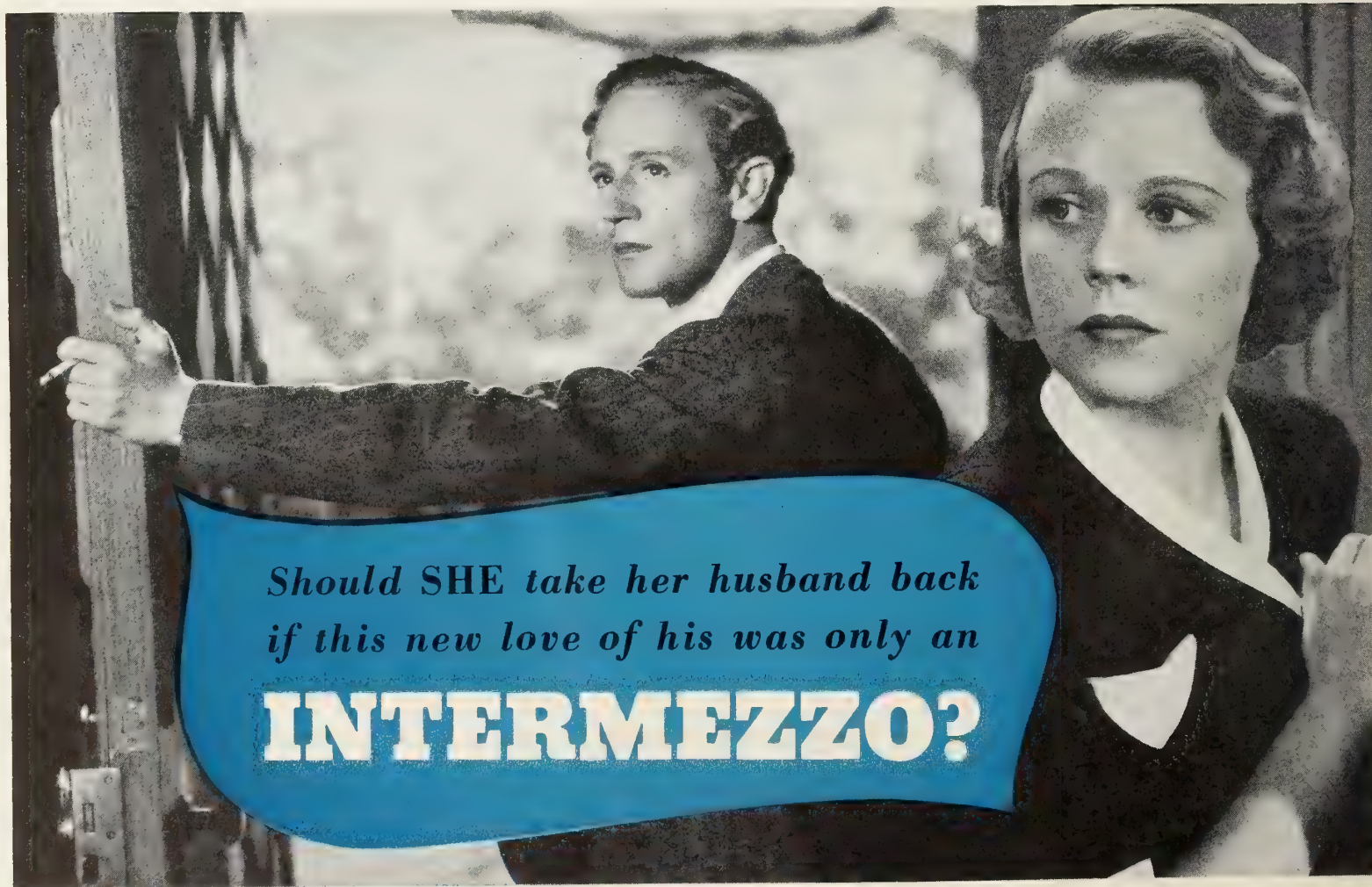
Hays, seeing television sharpening the movies' showmanship and ingenuity, asserts, "That's all to go." The motion picture industry, therefore, sees not danger but benefit ahead in television."

Expressing the belief that "there will be no substantial shift of production from California," the MPPDA prexy comments that "additional pictures doubtless will be produced in the East" and, in the connection, sees television a stimulating factor.

With reference to tomorrow's theaters, Hays offers the opinion that they will be relatively smaller and more numerous and forecasts a substantial development of circuits of special theaters for specialized audiences within the decade.

Sperling-Lowe Building

Pittsburgh — Sperling & Lowe, who operate theaters in McMechen and Moundsville, W. Va., have started construction of a new 600-seat theater in Cameron, W. Va.



Should SHE take her husband back
if this new love of his was only an

INTERMEZZO?

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 52

NEW YORK, THURSDAY, SEPTEMBER 14, 1939

TEN CENTS

Mexico Decrees Compulsory Exhibition of Native Pix DECIDE TOMORROW ON MORE BRITISH REOPENINGS 20th-Fox Considering Arbitration Clause in Contracts

Report 20th-Fox Arbitration Proposal Provides For a Three-Man Panel

Twentieth Century-Fox is considering an arbitration plan which would be incorporated into the company's licensing agreements, it was learned yesterday. It is understood that the plan, calling for a three-man panel, has been worked out and is awaiting ratification by the sales executives.

Meanwhile, it is reported that 20th-Fox execs. are studying carefully ways and means of putting

(Continued on Page 4)

EXPECT WAR TO BOOM DOMINIONS' PIX BIZ

Picture business is expected to boom in both Canada and Australia because of the European war, an executive of a major company's foreign department said yesterday. Despite increased taxation in both countries, sharp reduction in unemployment and the extensive purchasing of commodities by England are

(Continued on Page 12)

Bookers' Drive Sends WB August Bookings Up 27%

Warner feature bookings in August were advanced approximately 27 per cent under the impetus of the exchanges' Bookers' Drive, it was stated at the home office yesterday.

As yet the results of the drive

(Continued on Page 12)

Color Pix Stand

West Coast Bur., THE FILM DAILY

Hollywood — Still further indication that studios here are going through with the production of top budget films came yesterday when two companies—Paramount and Warners—definitely scheduled Technicolor pix. Para. gave the go-ahead signal to Cecil B. De Mille to proceed with "Northwest Mounted Police" and Warners fixed Sept. 26 as the starting date for "The Sea Hawk."

Universal, Paramount and Eastman Issues Lead as Amusement Stocks Show Advances

Amusement stocks on the Big Board strengthened yesterday, with Universal's preferred, Paramount's preferred and Eastman Kodak's common leading the procession. "U" advanced 6½ to close at 57, Para. was up four to finish at 77 and Eastman rose to 153, a gain of 2½ points. There was trading in all amusement issues listed on the Board and only one stock showed a drop while two held unchanged. Loew's common went up 2¼ to 33¾; others to score more than fractional advances were Warners preferred, up 1½ to 44; 20th-Fox common, up 1¼ to 13½ and Columbia Preferred also up 1¼ to 19¼. (For full financial table, see page 2.)

DOLLAR REMITTANCES TO PARA. FROM SPAIN ONE CARD, ONE DUES PLAN DRAFTED BY 4A

Paramount has reached an agreement with the Franco government in Spain whereby remittances in dollars will be made to the American company. These remittances, which represent money accumulated before and during the civil war, have started to come through, or will start shortly, a Paramount executive said yesterday.

This agreement was reached at a

(Continued on Page 13)

Producers Expected to Nix IA Request for Wage Boost

West Coast Bureau of THE FILM DAILY

Hollywood—With an IATSE victory apparently assured when the studio workers vote on September

(Continued on Page 12)

The AAAA will present a plan to its members within two weeks that will feature a one-card and one-dues payment system, bringing the organization's drive for consolidation of all its member branches into "one big union" a step closer, it was learned yesterday. It was also stated by a 4A exec. that it was

(Continued on Page 12)

Producer Studio Survey Off As Jimmy Roosevelt Quits

West Coast Bureau of THE FILM DAILY

Hollywood—Association of Motion Picture Producers' survey of studio conditions is off, at least for the present, it was indicated yesterday following the announcement that

(Continued on Page 4)

All Mexican Theaters Must Play One Native Film Monthly, Gov't Directs

Rep. District Managers Inoperative Under Plan

Personnel experimentation to determine the extent of duplication in work is being effectuated immediately by Republic, it was learned yesterday, the program, contemplated for some time, calling for franchise

(Continued on Page 12)

By MARCO-AURELIO GALINDO
FILM DAILY Staff Correspondent

Mexico City—Determined to support the native industry, the government through its Departamento Central has put into effect a decree compelling all theaters, including all first-run houses in Mexico City and in all principal cities throughout the country, to play at least

(Continued on Page 13)

Home Office Gives Further Sympathetic Hearing to CEA Deputation

London (By Cable)—High hopes that virtually all film theaters remaining dark will resume operation, possibly over the week-end, was held by the trade last night, following yesterday's second Home Office conference.

The CEA deputation, largely representative of the London and Home Counties Branch, left the Home Office highly encouraged by the sympathetic hearing. The CEA was promised a definite decision tomorrow.

Meanwhile, film production is still going on here although future plans of all producers are perforce being

(Continued on Page 12)

D OF J WOULD ENJOIN SCHINES' EXPANSION

Buffalo—An injunction to prevent the Schine circuit from expanding its holdings pending the trial of the anti-trust suit against the organization was sought yesterday by the Government. The plea will be

(Continued on Page 4)

United Artists Joins Move to Delay Equity Suit Trial

United Artists Corp. joined with other majors yesterday in seeking a delay in fixing a preferential trial

(Continued on Page 13)

British Tele Hit

London (By Cable)—British television looms as a major war casualty. All English tele programs and experiments have been cancelled because of the hostilities. Decision dooms elaborate plans for expansion of theatrical television and, additionally, in tele circles here is regarded as opening the way for the U. S. industry to seize the leadership. That would duplicate film experience in the last war.

THE FILM DAILY

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	103 3/4	103 3/8	101 1/2	+ 1/2
Col. Picts. vtc. (2 1/2%)	7 5/8	6 7/8	7 1/8	+ 3/8
Columbia Picts. pfd.	19 1/4	17 1/2	19 1/4	+ 1 1/4
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	+ 1/4
Con. Fm. Ind. pfd.	8 1/2	8	8 1/4	+ 1/4
East. Kodak	155	150 1/2	153	+ 2 1/2
do pfd.	162	160	160	- 2 1/2
Gen. Th. Eq.	9 1/8	8 3/8	8 1/2	...
Loew's, Inc.	34 1/2	31 3/4	33 3/4	+ 2 1/4
do pfd.	101 7/8	101 7/8	101 7/8	...
Paramount	7 3/4	6 7/8	7 3/8	+ 3/4
Paramount 1st pfd.	79 1/2	77	77	+ 4
Paramount 2nd pfd.	9	8	8 1/2	+ 5/8
Pathe Film	10 1/2	9 1/2	9 7/8	+ 3/4
RKO	1 3/4	1 1/2	1 3/4	+ 1/4
20th Century-Fox	13 7/8	12 1/2	13 1/2	+ 1 1/4
20th Century-Fox pfd.	22 3/8	21 3/4	22	+ 7/8
Univ. Pict. pfd.	57	56	57	+ 6 1/2
Warner Bros.	4 3/8	3 3/4	4 1/4	+ 1/2
do pfd.	45 1/2	42 1/2	44	+ 1 1/2

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	99 1/2	99 1/2	99 1/2	...
Loew's deb. 3 1/2s46	96 3/4	96 3/4	96 3/4	+ 1/4
Para. B'way 3s55	49	49	49	- 1
Para. Picts. 6s55	...	...	...	...
Para. Picts. cv. 3 1/4s47	...	...	...	...
RKO 6s41	55	55	55	...
Warner Bros. cv. 6s39	...	...	...	...
Warner Bros. db. 6s48	80	80	80	- 1/2

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	...
Sonotone Corp.	1 1/4	1 1/4	1 1/4	...
Technicolor	12	10 3/8	11 1/2	+ 1
Trans-Lux	2	2	2	...
Universal Corp. vtc.	2 3/4	2 1/2	2 1/2	+ 1/4
Universal Picts.	...	...	...	...

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102	...
Fox Thea. Office Bldg. 1st '46	3 1/2	5
Loew's Thea. Realty 6s '47	...	...
Met. Playhouse, Inc. 2nd deb. '45	63	68
Roxy Thea. Bldg. 4s 1st '57	58	61

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SECURITY

Vaudeville Tests Will Determine Brandt Policy

The Brandt circuit tomorrow launches its vaudeville policy in the Flatbush Theater with Sammy Kaye and his orchestra headlining. Circuit will experiment with the vaudeville policy in three of its other houses and if the shows click at the box offices, stage shows will be inaugurated in more of the Brandt theaters.

The Audubon opens with Jimmy Dorsey and his orchestra, plus the Harvest Moon dance winners next Thursday, and the Sammy Kaye show shifts to the Windsor on the same day. The Dorsey troupe moves to the Carleton on Sept. 28.

When these engagements are completed, circuit execs. will decide whether vaudeville will become permanent.

Mexican Producer Will Distribute Republic Pix

Morris Goodman, vice-president in charge of foreign distribution for Republic, has closed a deal with Luis Lezama, of Mexico City, for the exclusive distribution of Republic product in that territory.

Up to a year ago, Lezama was in charge of RKO's distribution in Mexico. He resigned his RKO post to engage in the production of Mexican pictures, which branch of activity will be continued by him in conjunction with Republic distribution activities.

Warner Seasonal Product Deal Closed With Reade

Walter Reade Enterprises, has closed a seasonal product deal with Warners, G. L. Sears, general sales manager, said yesterday.

The deal, involving 40 theaters in New Jersey, New York State and Metropolitan New York, was closed by Roy Haines, Eastern and Canadian sales manager, and Ed Schnitzer, Eastern district manager, for Warners, and by Walter Reade for the circuit.

WB Starting Four More Top Budget Pix Before Oct. 1

West Coast Bureau of THE FILM DAILY

Hollywood — Warners will send four more top-budget pix before the cameras during the balance of the month. "The Fighting 69th" starts Monday, "The Sea Hawk" on the 26th, "Brother Rat and the Baby" the following day and "Dr. Ehrlich" on the 29th.

Chaplin Starts Picture

West Coast Bureau of THE FILM DAILY

Hollywood — Designated as "Production No. 6," Charles Chaplin starts work today on his first picture in several years. Story is reported to be a travesty on dictators. Supporting cast is headed by Paulette Goddard. United Artists will distribute.

Metro Again Asks Collins Litigation be Dismissed

M-G-M Pictures Corp., M-G-M Distributing Corp., Culver Export Corp., and Loew's, Inc., filed a motion yesterday returnable on Sept. 19 seeking the dismissal of the suit of Delores Lacey Collins, administratrix of the estate of Jimmy Collins, for an injunction, an accounting and \$1,000,000 damages. Application, which is based on a claim that the complaint fails to state a cause of action, will seek to show by exhibiting the motion picture "Test Pilot" that it has no resemblance to the book written by Collins with the same name. Circuit Court of Appeals recently reversed a dismissal by Federal Judge Alfred C. Cox and ordered a rehearing of the application to dismiss.

General Films Abandons Making Howard Pix in Eng.

West Coast Bureau of THE FILM DAILY

Hollywood — Lawrence Fox, Jr., president of General Films, Inc., just back from Europe, announces that his company has abandoned production in England of the new Leslie Howard picture, "The Man Who Came Back."

The picture may be made in Hollywood, but plans are indefinite. Fox will hire animators and technicians here to take East for the production of animated pictures based on the "Babar" books of Jean de Brunhoff.

Para. Has Two English Pix Finished; Third in Doubt

Paramount is expecting a print of "French Without Tears," which may be the last English-made Paramount picture to be received for some time. The print is believed to be on the seas en route to the U. S. but definite information has not been obtained.

"Live and Let Live," a comedy based on the last war, was reported to have been completed at about the time the present war broke out but distribution plans for the U. S. are indefinite.

Plans for the production of "The Admirable Crichton," which was to have been made in England with Charles Laughton starring, were reported yesterday to be at a standstill.

Defer UA Board Meet

Scheduled meeting yesterday of United Artists' board of directors was postponed until next week due to the absence of Mary Pickford and James Mulvey, New York representative for Samuel Goldwyn. Mulvey flew yesterday to the Coast.

Vogel's Fall Hurts Fatal

Pittsburgh — Clarence J. Vogel, owner of the Liberty Theater, Wells-ville, O., and head of the Vogel Construction Co., died here Tuesday as the result of a fall while making a building survey.

COMING AND GOING

STANTON GRIFFIS and his bride, the former Whitney Bourne, are en route here from England on the S. S. Washington which should dock here on Saturday.

JOE E. BROWN is set to come East shortly for the premiere of his Para. release, "Tape 200 Touchdown."

ROUBEN MAMOULIAN arrives from the Coast this morning on the Commodore Vanderbilt for a brief stay.

BORIS MORROS arrives here from the Coast today on board the Twentieth Century.

ZASU PITTS, who arrived in New York by plane from the Coast on Tuesday on personal business, flew back to Hollywood yesterday.

MATTHEW FOX, Universal vice-prexy is due back at the studios tomorrow.

MEL SHAUER is due back from South America on Monday on board the S. S. Brazil.

COLE PORTER has left the Coast for a visit to his home town, Peru, Ind.

WILLIAM HOLDEN is back in Hollywood after his visit to New York.

AL HOROWITZ, head of Republic's camera department, has arrived in Hollywood from New York.

ARCH OBOLER, NBC writer-director, leaves Saturday for Hollywood to close movie deal for several of his radio plays.

BEN GOETZ, RICHARD THORPE, JUNE CLYDE and ETHEL REMY and KATHERINE DOUCET of the cast of "The Women," are reported among homecoming passengers from Europe on board the Washington.

GLADYS COOPER, who arrives here today from abroad, leaves soon for Hollywood for her first American screen role in "Rebecca."

FRED JACK, Warner Southern district manager, and DOAK ROBERTS, Dallas branch manager, here attending sales conferences, have returned to Dallas.

WILLIAM C. GEHRING, Central division manager for 20th-Fox, has returned from a tour of exchanges in his territory with M. A. Levy, leader of this year's Kent Drive.

I. B. KORNBLUM, Coast representative of the AAAA, leaves for Hollywood today.

CARROLL YOUNG, story editor for Sol Lesser, accompanied by cameraman PAUL EAGLER, is en route to New York for conferences with Lesser on "Our Town."

BEN HERSH, vice-prexy of General Film Co., left yesterday by train for Hollywood to arrange for firm's cartoon, "Babar, the Elephant."

JACK BENNY, who has been here on a brief vacation, leaves for Chicago at the week-end to attend the American Legion convention.

MRS. JAMES V. SILEO, wife of the news photographer and staff cameraman at the Radio City Music Hall, returns from Europe today on the President Monroe.

L. O. LEE, Leola Theater, Minneapolis; WILLIAM S. WILDER, SIDNEY L. BOWDEN and ARTHUR R. HARRISON of the Wilder Theaters, Norfolk, Va., were out of town callers at RKO's exhibitors' lounge.

REGINALD REUBENSON, of London, who is stopping at the Prince George Hotel, will remain in New York for some time.

ED ROSENBAUM returned to Philadelphia yesterday from New York.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 14

Phil Reisman
Alfred Santell
Robert Florey
Don Jose Mojica

**"THE
RAINS CAME"
DAILY PULLING
FARTHER AND
FARTHER AHEAD
OF "JESSE JAMES"
AT THE ROXY!**

***First week will beat "Jesse"
by thousands of dollars!***



THE KEYSTONE
OF YOUR FUTURE

D OF J WOULD ENJOIN SCHINES' EXPANSION

(Continued from Page 1)

argued Monday before Federal Judge John Knight.

At the same time, United Artists, which was named in the Government's action, asked that the case be dismissed on the ground that the Government did not "state facts sufficient to constitute a cause of action." A similar motion was filed last week on behalf of the Schines. It is also returnable Monday. Schines additionally have demanded a bill of particulars.

Fred Wood, well known anti-trust attorney who figured prominently in the St. Louis conspiracy case, has been retained as counsel by the Schine circuit in the current trust suit brought against the organization by the Department of Justice. Wood will work with Willard McKay, Schine attorney on the case, who filed the motion for a bill of particulars in Federal Court in Buffalo on Tuesday.

Producer Studio Survey Off As Jimmy Roosevelt Quits

(Continued from Page 1)

James Roosevelt, Sam Goldwyn's vice-prexy, found the task a full-time job and accordingly was stepping out.

Designation of Roosevelt to make the study was made about a fortnight ago. Objective was described as "The closer co-ordination of interstudio relationships."

In his withdrawal letter to Prexy Joseph M. Schenck of the Association, Roosevelt said the task requires "full-time devotion, not part-time, by a person thoroughly steeped in knowledge and tradition of the industry," and that "the present situation in the industry due to the war crisis is not conducive and naturally so, to producers giving the time necessary for adequate approach to the various problems."

He recommended that the M. P. Academy should be revitalized as a common meeting ground for all parts of the industry. He also suggested that a strong, centralized body be created to decide jurisdictional questions of inter-relationship and said such organization would in no way conflict with the Hays organization, but would confine its activities wholly to the problems of the producers of Hollywood.

WEDDING BELLS

Medford, Wis.—Frank Perkins, of the Avon Theater, was married to Miss Mae Amo.

Monon, Ind.—M. G. Merrill, manager of the Howard Theater here, was married recently to Katherine Burke of New Castle, Ind.

ALONG THE



WITH PHIL M. DALY

● ● ● IN the card world there are still some who go in for auction instead of contract.....It's properly news when they do.....So why isn't it news when in our own highly contract-minded industry a company resorts to auction?.....What d'we mean, ask you.....Our reply is simply Warner Bros.....Late yesterday the h.o. had received no word as to where the world premiere of "A Child Is Born" will be held.....The company, you know, is auctioning-off the initial performance.....to the American municipality voting the largest fund.....for the establishment or further development.....of charity maternity wards in its hospitals.....

● ● ● SAY the Warners.....our studio will generously co-operate with a generous community.....We will make a special event of the premiere by sending the picture's cast for p.a.'s.....and help the high-bidding municipality's chamber of commerce raise the maternity ward fund.....By the by, some 15 U. S. and one of Canada's cities have asked for the premiere.....but who gets it appears relatively immaterial in light of another point.....namely that the Warner outfit has even gone beyond the mere precept that Charity Begins At Home.....It's an "extravert company".....for WB has given copious evidence.....including its brilliant patriotic short subjects.....that product can be made to achieve more than mere entertainment.....

● ● ● SPEAKING of precepts.....and in a lighter vein.....there comes from Lincoln, Neb.....the meditative observation of that town's exhib. Bob Livingston, who opines....."Spring may be the time when a young man's fancy lightly turns to thoughts of love (and away from the box office).....but Autumn is the time when the finance company comes and takes his car back.....and then he carries on in the balcony of some film joint what he started in the Spring".....There is an optimistic slant to the Livingston quip.....since it tends to disprove the old cynical view of the yesteryears in the exhibition field.....to wit, that any loss in attendance a theater has suffered is beyond recall and repair forever.....

● ● ● FILMLAND'S Fourth Estate.....ye ole trade press reviewers in particular.....can soon grab a gander at the new Emerson Yorke featurette in color.....titled "The Ninth State". . .

● Seymour Nebenzahl.....American-born producer of more than 70 European-made pix.....including the mighty "Mayerling".... will guest star tonite on Richard Gilbert's "Cinema Comment" program.....o'er WQXR.....from 9:45 to 10.....Nebenzahl's new opus, "Betrayal," opens tomorrow night at Little Carnegie. . .

● Ann Rosenthall, attorney for the old Grand National Company, pens from L. A.....that she has moved out that-a-way.....has set herself up as tax consultant in the Union Bank Bldg. and hopes to practice law there anon.....

● ● ● IN our peaceful industry ranks.....the only martial note is the scheduled attendance tonite at the Rivoli.....of officials of the N. Y. State Dept. of the Veterans of Foreign Wars.....a number of whose members served with the Philippine Constabulary.....and they'll see Gary Cooper ditto in the Goldwyn-UA, "The Real Glory".....which dramatizes the Constabulary.....

« « « » » »

20TH-FOX CONSIDERS ARBITRATION CLAUSE

(Continued from Page 1)

portions of the dormant trade practice code into effect so that its legality would be assured.

If 20th-Fox adopts an arbitration clause, it will be the third major company to take such a step. Both Warner Bros. and RKO have set up arbitration systems for the settling of clearance and other disputes. It is also reported that RKO has re-vamped its contract clauses pertaining to sales and special state taxes.

Houses Closed for Summer in N. Y. Area Re-Opening

With majority of houses shuttered for the summer already reopened it was expected yesterday that by the end of this month only a handful of houses will still be closed in this area. Park, Newburgh; Juliet Arlington; Avalon, Bronx; Shubert Brooklyn; Colony, Sayreville, N. J. and the Broadway, Yonkers, will be reopened by the end of this month. Construction on the new house being built at Broadway and 43rd St., reportedly by Consolidated, is expected to be completed by Christmas.

STORKS!

Cards have been received from Bert Reisman, RKO Radio's manager for Peru, announcing the arrival of a daughter, Miss Penelope Margaret Reisman. "Mr. and Mrs. Bert Reisman," the card reads, "take great pleasure in announcing their feature presentation for 1939."

Cleveland—Al Bowers, owner of the Rex Theater, is the father of a daughter, Peggy, born this week. This is the Bowers' second child and second daughter.

Youngstown, O.—Jack H. Steinberg, owner of the Home and Strand theaters, Youngstown, and the Harbor at Ashtabula Harbor, is the proud father of a 7½ pound daughter named Flora.

Fowler, Inc.—Dick Vlastos, operator of the Dreamland Theater, is the father of a new son, born recently in St. Elizabeths Hospital Lafayette, Ind. He was named Dick Jr.

Bloomfield, Ind.—Myers Flater operator of the Citadel Theater here is the father of a baby girl Karen Kay Flater.

Warren, Ind.—Mrs. Claire Stukey wife of Claire Stukey, operator of the Savoy Theater here, presented her husband with a baby boy recently.

**NO WAR
OF
NERVES
FOR
PARAMOUNT
EXHIBITORS**

Because . . .

There will be absolute NUMBER of Paramount Pictures

- 1** What effect will the European War have on picture production?
- 2** Will production schedules be curtailed?
- 3** Will product be cheapened?

These are the most important questions in the picture business today!

OKAY, Mr. Exhibitor

... here's Paramount's answer!

Completely no change in the QUALITY of promised for 1939-40

1 None of Paramount's huge line-up of pictures for 1939-40 will in any way be affected by the foreign situation!

2 Paramount will not back down ... on Paramount promises!

3 No Paramount picture is, or will be, cheapened in production!

On the next two pages we proudly print Paramount's amazing product story for the 1939-40 season. Read it and you'll know why the European War cannot hand any Paramount exhibitor the PRODUCT JITTERS!

Your insurance against a shorta

PARAMOUNT PRODUCTION

COMPLETED 100%

**"Death of a
Champion"**

"Range War"

"Beau Geste"

**"\$1,000
a Touchdown"**

**"Honeymoon
in Bali"**

"What a Life"

"Jamaica Inn"

"Television Spy"

"Disputed Passage"

"Rulers of the Sea"

**"The Cat and
the Canary"**

"St. Martin's Lane"

"Seventeen"

**"French
Without Tears"**

"Geronimo!"

"Happy Ending"

**"Our Neighbors—
the Carters"**

**"The Light
that Failed"**

"Parole Fixer"

"Dr. Cyclops" [In Technicolor]

"Untamed" [In Technicolor]

**"Diamonds
Are Dangerous"**

"Emergency Squad"

"The Llano Kid"

"Law of the Pampas"

**"The Medicine
Show"**

ge of big pictures this season...

N. SCHEDULE 1939-1940

SHOOTING

Started

July 27 "Remember the Night"

July 31 "Typhoon"

Aug. 14 "Gay Days
of Victor Herbert"

Aug. 25 "Campus Wives"

Max Fleischer's "Gulliver's Travels" [In Technicolor]

Started

Aug. 29 "Knights of the Range"

Sept. 5 "The Farmer's
Daughter"

Sept. 5 "Strange Money"

SCHEDULED FOR PRODUCTION

Shooting Date

Sept. 13 "Opened by Mistake"

Sept. 25 "Road to Singapore"

Sept. 28 "The Way of all Flesh"

Oct. 2 "Safari"

Oct. 10 "Texas Rangers
Ride Again"

Oct. 15 "Buck Benny
Rides Again"

Nov. 8 "Comin' Round
the Mountain"

Nov. 15 "The Golden Gloves"

Shooting Date

Jan. 2 "Royal Canadian
Mounted Police" [In
Technicolor]

Jan. 10 "Hot Ice"

Jan. 17 "The Broken Heart Cafe"

Feb. 14 "Woman From Hell"

Colbert Production

"Light of Western Stars"

Three More

"Hopalong Cassidys"

... others to be announced





The Paramount Seal is
Your GUARANTEE of
QUALITY of PRODUCT

QUANTITY of PRODUCT

This Year

More Than Ever Before!

★ ★ REVIEWS OF THE NEW FILMS ★ ★

"The Housekeeper's Daughter"

with Joan Bennett, Adolphe Menjou and John Hubbard

UA Hal Roach Running Time, 71 Mins. (HOLLYWOOD PREVIEW)

SWELL NEWSPAPER COMEDY RICH IN HOKUM SHOULD CLICK WITH ALL AUDIENCES.

This is one of the funniest newspaper comedies yet produced and should pile up a heavy total of laughs in all types of houses. The hokum is laid on rather heavily, but audiences are certain to love it. Hal Roach wins credit on two counts, as producer and director, and his long training in the comedy field makes its influence felt. Adolphe Menjou and William Gargan have a field day, the former as an ace criminal reporter, who "loves the ladies," and the latter as a newspaper photographer, who is Menjou's rival where women are concerned. Joan Bennett does not have a great deal to do, but is very decorative and capable. John Hubbard, a newcomer, does very well as a college professor's son, whose efforts as a cub police reporter, cause most of the fun. George E. Stone gives a splendid performance as a meek flower vendor, who believes he must save beautiful women who are in distress. Donald Meek, Peggy Wood and Marc Lawrence score with their work, while strong, handsome Victor Mature, as chief aide to Lawrence, a racketeer, gives a performance that promises much for his future. Rian James and Gordon Douglas fashioned a hilarious screenplay, based on the novel by Donald Henderson Clarke. Stone follows his friend, Lillian Bond, a showgirl, to Lawrence's houseboat. Fearing that she will be slain, he places poison in a cup of coffee he intends for Lawrence. Instead, Lawrence forces Lillian to drink it. She dies and Lawrence throws her body into the river. Hubbard, a cub reporter, befriends Stone, and when Menjou and Gargan get Hubbard drunk, Stone suggests that Hubbard telephone his city editor, Meek, that Lillian was thrown from a houseboat. Hubbard "scoops" the town, is hailed as hero by Meek, and their paper declares war on gangsters. Lawrence orders his henchmen to "get" Hubbard, and the complications that follow cause hilarity that ranges from chuckles to belly laughs.

CAST: Joan Bennett, Adolphe Menjou, John Hubbard, William Gargan, George E. Stone, Peggy Wood, Donald Meek, Marc Lawrence, Lillian Bond, Victor Mature, John Hyams, Leila McIntyre, Luis Alberni, Rosina Galli.

CREDITS: Producer, Hal Roach; Director, Hal Roach; Based on novel by Donald Henderson Clarke; Screenplay by Rian James and Gordon Douglas; Editor, William Ziegler; Photographer, Norbert Brodine, A.S.C.; Art Direction, Charles D. Hall; Musical Director, Lud Gluskin; Orchestral score by Amedeo de Filippi.

DIRECTION, Fine. PHOTOGRAPHY, Very Good.

New Oswego, Ore., House

Oswego, Ore.—Paul C. Murphy, Jr., will build a new \$40,000 theater seating 500.

"Blondie Takes A Vacation"

with Larry Simms, Arthur Lake, Penny Singleton

Columbia 61 Mins. FUNNY ESCAPADES OF CARTOON FAMILY WILL BE POPULAR WITH THE CHIC YOUNG FANS.

Enjoyable antics with the famous cartoon strip family, the Bumpsteeds, as they hie themselves to a mountain resort for their vacation. There is a large and exciting time had by Baby Dumpling, his mother Blondie, and Dagwood, the proud papa, of course, is all tied up in his usual dilemmas. Arrived at the Summer hotel on the lake, they find that the proprietor is a gent with whom they have had considerable trouble coming out on the train. They seek refuge in another hostel, which turns out to be on the verge of a mortgage foreclosure. The helpful Bumpsteeds offer their services to the unfortunate owners, and start to put the place on its feet. There are a series of hilarious and unexpected happenings, and of course the precocious Dumpling is responsible for things starting to come out all right, purely on a fluke. And finally they all depart, tired but happy, after a vacation that leaves Dagwood more tired than when he started. Good fun for the family trade, and this one will go strong, for it is about the best of the series so far. Nice performances turned in by Penny Singleton as Blondie; Arthur Lake as Dagwood, and of course the baby, Larry Simms, and Daisy the mutt. Director Frank Strayer handled the script for all the available laughs, which are plenty.

CAST: Penny Singleton, Arthur Lake, Larry Simms, Daisy, Danny Mummert, Donald Meek, Donald McBride, Thomas W. Ross, Elizabeth Dunne, Robert Wilcox, Harlan Briggs, Irving Bacon.

CREDITS: Director, Frank Strayer; based on comic strip by Chic Young; Story, Karen DeWolf, Robert Chapin, Richard Flournoy; Screenplay, Richard Flournoy; Cameraman, Henry Freulich; Editor, Viola Lawrence.

DIRECTION, Very good. PHOTOGRAPHY, Okay.

War's Effect on Grosses Short-Lived In Lincoln

Lincoln, Neb.—Since the night of the President's radioed assurance to the American people that the U. S. would stay out of the war, theater rows in Nebraska have been back to normal.

With the opening of the Liberty, a 1,000-seater, late this month, every bit of the town's theatrical real estate will be lighted—eight downtown theaters in operation, consuming 20 features weekly.

Biggest theater building program being undertaken is the McDonald Bros., Torrington, Wyo., boys, who are spending \$30,000 on construction in Mitchell.

"First Love" Set Back

Universal has set back the release date of "First Love," Deanna Durbin pix, from Sept. 29 to Oct. 20.

"Million Dollar Legs"

Paramount 59 Mins. PLEASING CAMPUS YARN FOR THE JUVENILES HAS BEVY OF INTERESTING YOUNGSTERS.

A pleasing campus picture that stems back to a musical comedy that was filmed some years ago. It makes great fun for the youngsters of 'teen age of both sexes, being essentially juvenile fare. The legs reference is to the underpinning of the college crew principally. The students in order to secure a crew, against a domineering school board, resort to a twenty to one shot on a race to get the wherewithal to start. The film is filled with the usual line of campus antics, plenty of rah-rah cheering, and of course the big thrill is the boat race. This has been well handled, and should give the fans their money's worth in the college brand of entertainment. Betty Grable as the girl the college dotes on is very appealing. Among the others, nice work is done by John Hartley, Donald O'Connor, Buster Crabbe, Jackie Coogan, Joyce Mathews and Dorothea Kent.

CAST: Betty Grable, John Hartley, Donald O'Connor, Jackie Coogan, Larry Crabbe, Peter Hayes, Dorothea Kent, Richard Denning, Philip Warren, Edward Arnold, Jr., Thurston Hall, Roy Gordon, Matty Kemp, William Tracy, Joyce Mathews, Russ Clark.

CREDITS: Director, Nick Grinde; Author, Lewis Foster; Screenplay, Lewis Foster, Richard English; Cameraman, Harry Fishbeck; Editor, Stuart Gilmore.

DIRECTION, Good. PHOTOGRAPHY, Fine.

Standard Leader Revision Before Council Committee

West Coast Bureau of THE FILM DAILY

Hollywood—The Research Council of the Academy of Motion Picture Arts and Sciences has appointed a committee headed by S. J. Twining of Columbia Studio to consider possible revisions for the specifications for the Standard Release Print Leader.

The present Standard Leader was revised in August of 1936 simultaneously with adoption by the industry of the Research Council Standard 2,000-ft. reel. The purpose of the presently appointed committee will be to study these specifications with a view to recommending changes which may improve the Standard Leader and facilitate its use by theater projectionists.

Membership of this committee which will hold its first meeting tomorrow consists of S. J. Twining, chairman, John Aalberg, Gerald Best, Sidney Solow, and Ray Wilkinson.

Famous Players Canadian Adds Two Halifax Houses

Toronto—Orpheum and Oxford, oldest and youngest film houses in Halifax, N. S., have been taken over by N. L. Nathanson interests, Toronto, and are now being operated as part of the Famous Players Canadian circuit. FPC already had the Capitol at Halifax.

★ FOREIGN ★

"Song of the Streets"

with Madeleine Ozeray, Jean-Pierre Aumont, Vidimir Sokoloff

Mayer and Burstyn 70 Mins. REALISTIC STORY IS CAPABLY PROJECTED TO SCREEN WITH FINE CAST AND DEFT DIRECTION.

Although American audiences have seen the theme utilized countless times on U. S. screens with various types of juvenile delinquents, in this story of children of Paris slums it is endowed with effective and compelling realism. The cast is very good, with Vladimir Sokoloff, Madeleine Ozeray, Jean-Pierre Aumont, Marcelle-Jean Worms, Roger Legris and other capable players in the principal roles. The direction of Victor Trivas is deft and the film benefits from an unusually emotional musical score provided by Hans Eisler. Story concerns a gang of boys, who progress from petty offenses to real crime. A kindly judge sets them firmly on the right path when they are finally apprehended.

CAST: Vladimir Sokoloff, Madeleine Ozeray, Jean-Pierre Aumont, Marcelle-Jean Worms, Roger Legris, Lucien Paris, Paulette Dubost, Emile Rosen, Humbert.

CREDITS: Produced by Films Sonore; Director, Victor Trivas. Presented at the 55th St. Playhouse with French dialogue and English titles.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Heartbeat"

with Orane Domazis, Fernandel, Henri Poupon

French Motion Picture Corp. 90 Mins. WEAK STORY CONSTRUCTION FAILS TO MAKE FILM CONVINCING ALTHOUGH ACTING IS GOOD.

Believe it or not, but the story of the farmer's daughter has been brought to life in this one, and its telling is hackneyed and faltering. In brief, the story concerns the betrayal of Orane Domazis by a wandering worker. Her father permits her to return to his home on the condition that she and her child stay concealed in the cellar. However, she is finally released from her underground existence by an offer of marriage from a boy who falls in love with her. The actors do all they can to redeem the picture, but the story doesn't give them much opportunity.

CAST: Orane Domazis, Fernandel, Henri Poupon, Edouard Delmont, Andrex, Toïnon, Jean Servais.

CREDITS: Produced and Directed by Marcel Pagnol; Based on a novel by Jean Giono. Presented at the Little Carnegie Playhouse with French dialogue and English titles.

DIRECTION, O. K. PHOTOGRAPHY, Good.

Postpones LRB Case

Hearing scheduled for yestreday by the State Labor Relations Board of the TMAT-Nelson-Renner-Endicott case was postponed until Saturday. Hearing on the TMAT-Ray-bond Theaters case was adjourned to next Wednesday.

DECIDE ON MORE BRIT. REOPENINGS FRIDAY

(Continued from Page 1)

held in abeyance until schedules can be re-arranged.

It does not seem apparent at this time that the Government will repeal the quota, but some revision to ease certain stipulations is expected.

Outlying studios, such as Welwyn, Shepperton, Ealing and Denham, are carrying on, few of the key men, most of whom are over military age, having been called for ac-

Paris (By Cable)—Beginning today, several theaters here will be permitted to remain open until 10 P.M. Houses which have been granted this permission by the police and military government are near bomb-proof shelters. Other theaters are expected to be allowed to reopen when safety measures are completed.

tive service. Studios generally are well equipped with air-raid shelters, first-aid men and voluntary fire-fighters. Denham has a miniature Maginot Line under its stages, an air-conditioned, bomb-proof, gas-proof setup.

Alexander Korda, it is expected, will make propaganda pictures for the duration of the war in the service of the British propaganda ministry and several other prominent producers are expected to be mobilized in the same organization. Although Warners' Teddington plant is closed down, Sam Sax is still here. Bob Kane, production head here for 20th-Fox, is in Hollywood and the company's plans have not been settled, it is said.

Metro's plans are also undetermined at this time with producer Ben Goetz and director Richard Thorpe en route to the U. S. now for conferences.

Herbert Wilcox may return here this week-end on the Clipper, and with certain agitation in government circles for production to be continued as normally as possible, it seems likely that studios will keep working barring circumstances which might force a complete shutdown.

London's Wardour Street Is Moved Out to Suburbs

London (By Cable) — Wardour Street, for the first time in film history, bears little association with the industry, film stocks, records and personnel having been removed outside the London area, due to the air raid precautions.

Distributors have transferred their actual film distribution to the studios. Twentieth Century-Fox is operating from the Wembley Studio; Warner Bros. from the Teddington Studios; ABFD from the ATP Studios at Ealing; British Lion from the Beaconfield Studio; Butcher's Film Service from the Nettlefold Studios at Walton-on-Thames; ABPC and Pathe Pictures from Welwyn; Paramount from the laboratories at Acton.

M-G-M's inspection and shipping of films is at Denham, with administra-

WHO'S WHO IN HOLLYWOOD

• • Introducing Interesting Personalities: Nos. 215-216 • •

HUGH HARMAN and **Rudolf Ising**. Cartoon producers. They established their first cartoon company in Kansas City, Mo., in 1923. In 1928 the boys with the trick name combination came to Hollywood. Their firm of Harman-Ising produced the first talking cartoon ever made, "Bosko, the Talking Kid." Harman-Ising produced the first five series of "Looney Tunes" and "Merry

Melodies," in association with Leon Schlesinger, with distribution by Warner Bros. Then came Technicolor and an M-G-M release for product of Harman-Ising Pictures, Inc., in 1934-35-36-37. In 1938 Harman and Ising joined M-G-M as staff producers. They believe the cartoon feature will be the most important future phase of motion picture production.



RUDOLPH ISING



HUGH HARMAN

Producers Expected to Nix IA Request for Wage Boost

(Continued from Page 1)

20, as per the National Labor Relations Board's order, it is expected that when negotiations are opened with the producers either by the locals individually or through a negotiator representing all the unions a flat rejection will be tendered by the studios to any request for salary increases.

It has been reported that the IA locals plan to ask for a general increase of 15 per cent all along the line, with reports indicating that the producers will ask for a 15 per cent decrease from present wage levels due to losses expected as a result of the European war.

It is hoped that no serious dispute will occur, and in all probability the situation will remain status quo regarding wage scales. IA execs. are not expected to take any action in granting a charter to the ASC until after the election, and not then unless approval of Local 659 is forthcoming.

Joseph M. Schenck yesterday announced that he would appoint a committee to discuss wages and working conditions with an IATSE representative, as requested by William Bioff, who heads labor's negotiating committee.

Oscar Brachman Dead

Milwaukee, Wis. — Oscar Brachman, 52, local real estate man who had an interest in building many local theaters, including the Wisconsin, Tower, Uptown, Garfield and Oriental, is dead here.

tion headquarters at Rackmansworth; United Artists also distributes from Denham with administration offices at Gerrards Cross; RKO Radio is handling its films from Elstree, with headquarters at Dean House, Dean Street; Universal ships from Denham; GDF from Newbury.

Rep. District Managers Inoperative Under Plan

(Continued from Page 1)

holders to operate in their respective territories without the assistance of district sales managers representing the home office.

Franchise holders, it is pointed out, have always under the Republic system been in full charge of their individual operations, the company district managers being aides delegated to them on a voluntary basis. Accordingly, for the next three months, Jack Bellman, Eastern district sales manager; Harry LaVine, Central district; Clair Hilgers, Southern district; Max Roth, Midwest district; William Benjamin, Central-mid-West; and Grover C. Parsons, Western district, will remain inoperative, as the situation stood last evening, with the probability that a number of these district managers will be assigned to home office duties.

The San Francisco, Los Angeles, Albany, Buffalo and Detroit situations, in each of which there is no franchise holder currently, will be supervised from the home office, it is learned.

Bookers' Drive Sends WB August Bookings Up 27%

(Continued from Page 1)

have not been completely checked, but figures indicate that the contest was a very close one. During the drive the Warner bookers took on the added duties of salesmen in their efforts to bring in extra playing time for the company's releases. From the results so far gathered, the company has decided to make this competition an annual event.

Reopen Victory, New Haven

New Haven—Michael Tomasino, operator of the White Way and Victory, will reopen the latter house, dark for the summer, Friday. The house will have regular weekly Jewish pictures.

EXPECT WAR TO BOOM DOMINIONS' PIX BIZ

(Continued from Page 1)

expected to offset the tax situation.

However, American majors can expect money restrictions in both countries, the executive said. Difficulties may arise in getting money out of Australia for the duration of the war and the same status may prevail in Canada, but the American companies believe that the large amounts of money that will accumulate in both countries will be safe.

Restrictions on money from England loom as a strong possibility because of the war, the executive said, in spite of the 1936 agreement among Great Britain, France and the U. S., all of whom pledged to avoid exchange restrictions.

"Wuthering Heights" Plays to Standout Biz in Sydney

Reports of standout business on "Wuthering Heights" at the New Century Theater, Sydney, were received by cable yesterday by Arthur W. Kelly, head of United Artists' foreign department. Picture outgrossed "The Hurricane," previous record-holder, and gave the theater its biggest opening since the house opened.

Kelly pointed out that this news was the first demonstration of what may be expected in the way of public reaction to certain types of pictures in countries where a state of war exists.

One Card, One Union Dues Plan Drafted by AAAA

(Continued from Page 1)

hoped the plan could be put into operation within two months.

Various proposals of this type have been studied by the organization during the past year, but have been discarded for different reasons. Up to this time there was also a certain amount of opposition from at least two of the member unions to the "one big union" idea.

However, the recent dispute with the IATSE has apparently effected a solid front among the member branches with elimination of the multi-card and dues system certain to be brought about now as a further move to strengthen the organization as a whole, with added impetus given to the plan by the overwhelming desire of the members to bring it about.

"Honeymoon In Bali" Opens

Wheeling, W. Va.—World premiere of Para's "Honeymoon In Bali" starring Madeleine Carroll and Fred MacMurray, was held at the Rex Theater here last night with Carolyn Lee, four-and-a-half year old starlet who debuts in the pix, making a p.a. House was a sell-out a week ago.

DOLLAR REMITTANCES TO PARA. FROM SPAIN

(Continued from Page 1)

conference between the executive and Garcia Vinolas, head of Spain's propaganda bureau and chief of the country's motion picture industry, who recently returned to Spain after several weeks in the U. S. The conference, it was said, resulted in indications that business prospects in Spain for Paramount and other majors were bright.

United Artists Joins Move to Delay Equity Suit Trial

(Continued from Page 1)

date in the Government's equity suit when it filed an affidavit of Benjamin Pepper, of O'Brien, Driscoll & Raftery, UA attorneys, in the Federal Court. The affidavit incorporated within it the arguments raised by the other defendants and stated that for brevity's sake it would not repeat in length the contentions already made by the other defendants. It added that United Artists felt that in view of the interrogatories filed recently by the government the trial should be postponed until the defendants had an opportunity to file answers to them.

150,000 for "The Rains Came" First Week

With attendance figures at the Roxy last night rapidly mounting for the first week of the 20th-Fox film "The Rains Came," it was expected that attendance for the first week would hit the 150,000 mark. House is opening this morning at 9 o'clock and will also give an extra show late tonight.

Managerial Shifts Made by Portland Pix Houses

Portland, Ore. — Albert Forman, for many years associated with the Danz Theaters in Seattle, has been named manager of the Orpheum Theater here. House is now in the Danz chain. He is assisted by Ron Harrington, formerly with the Hamrick-Evergreen Theaters.

Henry Pincus, recently connected with theaters in Cleveland, O., will manage the Esquire Theater, playing foreign films.

Frank L. Newman, Jr., has moved his headquarters from the old Orpheum to the Liberty Theater, which goes first-run.

Zollie M. Volchock has been named manager of the New Rivoli Theater, recently added to the Hamrick-Evergreen chain.

Hoffberg Sets Premiere

American premiere of "Mademoiselle Ma Mere," French film starring Danielle Darrieux, has been set by J. H. Hoffberg, distributor, for the 55th St. Playhouse on Sept. 18.

"Old Maid" Stays Fourth for Brooklyn Para. Record

Warners' "The Old Maid" sets an all-time record at the Brooklyn Paramount by starting a fourth week there today. It's the first pix ever to be held a fourth. Para.'s "Million Dollar Legs" is also on the bill.

New Indie Distributor

Cleveland — Nate Gerson has formed Real Art Pictures as an independent distributing company, with offices in the Warner Bldg. He will announce his line-up within a week. Gerson was formerly a partner of Harry Lande in the Independent Film Service.

Score by Vlademir Heifetz

Vlademir Heifetz, Russian composer, has been engaged by Roman Rebush to write incidental music for "Mirele Effros," new Yiddish film production starring Berta Gersten, which Josef Berne is directing for Credo Pictures, Inc.

SHOWING NATIVE PIX REQUIRED IN MEXICO

(Continued from Page 1)

one Mexican-made picture at least once a month for the period usually given to every picture show at such houses.

The measure was adopted in a desperate effort to remedy the situation in which native producers have found themselves of late, with close to 35 pictures completed and on the shelf because of a lack of playing dates or an open refusal on the part of film theater owners to book them.

"Rulers of Sea" Trek On

West Coast Bureau of THE FILM DAILY
Hollywood — Para.'s two-month-long ballyhoo for "Rulers of the Sea" via an 8,500-mile tour of the U. S. by two replicas of transatlantic vessels and four young contract players got under way yesterday with departure ceremonies here. Making the trek are Ruth Rogers, Kathleen McCormack, Kay Stewart and Jean Phillips.

Riesefeld Rites Held

West Coast Bureau of THE FILM DAILY
Hollywood — With industry leaders in attendance, last rites for Dr. Hugo Riesefeld were held yesterday at the Crane and Eberle Mortuary.



*Can ANY WOMAN find happiness in
stolen love that she knows can only be an*

INTERMEZZO?

NEW FAVORITES

EASTMAN'S three great new films back up their special characteristics with typical Eastman reliability and uniformity. Worthy successors to earlier Eastman emulsions, they are the new raw-film favorites of the motion picture industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 76, NO. 53

NEW YORK, FRIDAY, SEPTEMBER 15, 1939

TEN CENTS

War Will Not Cut Production of Technicolor Features 2,000 MORE BRITISH THEATERS REOPENING TODAY Col. In Move to Stimulate Latin-American Business

McConville Sails Tomorrow for Two Conventions and Survey

As a first step towards the quick stimulation of Latin-American business, Columbia will conduct two sales conventions, one in Havana and the other in Buenos Aires. J. A. McConville, foreign manager, and Charles Roberts, home office supervisor, sail tomorrow on the Oriente for Havana, first stop on a tour of Central and South America.

The Havana convention, at which McConville will preside, is scheduled for Sept. 20-22, while the Buenos Aires meeting has been set for Oct. 30-Nov. 1. The survey tour
(Continued on Page 4)

MICH. ALLIED PLANS FORUM AT CONVENTION

Detroit—An open forum on industry problems and an "old timers party" are features included in the program, announced yesterday, for the 20th annual convention of Allied Theaters of Michigan, which is to be held at the Burdick Hotel, Kalamazoo, Oct. 2-4.

Convention gets under way with
(Continued on Page 4)

St. Louis MPTO Labor Com. Will Seek to End Dispute

St. Louis—Labor committee of the MPTO of St. Louis is scheduled to meet today or tomorrow with representatives of the service staff's union and the stage hands local in
(Continued on Page 4)

Mortgage on Loew's State, Boston, Retired Via Loan

Washington Bureau of THE FILM DAILY
Washington—The SEC yesterday reported that changes in registration statements had been filed with it by Loew's Boston Theaters Co.,
(Continued on Page 4)

Measure to Prohibit Bank Night Passes Wis. Senate and Is Messaged to Assembly

Madison, Wis.—The Paulson bill prohibiting Bank Night and similar games of chance passed the state Senate and was messaged to the Assembly. Senator Oscar Paulson, author of measure, says it would not prohibit Bingo.

D & J Plan for Business Advisory Group on Anti-Trust Laws Shelved

Washington Bureau of THE FILM DAILY

Washington — Plans announced some time ago by Attorney General Frank Murphy for a business advisory group on anti-trust laws have been shelved amid war crisis activity, it was indicated here yesterday.

As originally conceived by Murphy, the group was to have been representative of the D of J and other governmental agencies which

have special knowledge of economic conditions, and there was some disposition to see in such a group a solution to the problem confronting the film industry.

The shift in attitude, if observers here are correct, is illustrated by what Thurman Arnold, Assistant Attorney General, and sparkplug of the wave of anti-trust litigation in which the film industry is now in-
(Continued on Page 4)

3 Stumbling Blocks Stymie Play Financing Pact

Proposed pact in negotiation between the producers and the Dramatists Guild for the financing of Broadway plays appeared to be no nearer to conclusion yesterday than when negotiations started. It was learned that three major points in the pact have not been agreed upon, with neither side apparently willing

to make concessions.

The amount of advance payment for film rights to a play, the percentage of the weekly gross which a film company would also pay for the rights, and a formula for deciding when a show should be closed legitimately are said to be the stumbling blocks.

No Cancellations of Technicolor Pictures; Schedule of 20 Stands

Uniform Action to Stop Animal "Abuse" Planned

Albany—The American Humane Association with 600 affiliated societies proposes uniform action to prevent "further abuse to animals" in films, Eric H. Hansen told the association convention yesterday.

Hansen assailed pix for "violation"
(Continued on Page 4)

All Technicolor features scheduled for production this season will be made regardless of the war situation, it was indicated yesterday.

It was learned that Technicolor Corp. has received no cancellations of pictures for which it has contracts. Twenty pictures were slated for Technicolor during the 1939-40 season of which seven have been
(Continued on Page 4)

Home Office Orders Restores Exhibition to Near- Normalcy

London (By Cable)—British exhibition returns to near-normalcy today with the re-opening of more than 2,000 theaters.

The Home Office yesterday, acting 24 hours earlier than expected, issued the "Go ahead" signal to those theater owners and operators whose houses had remained dark.

Principal national restriction under which theaters will function is a curfew, fixed at 6 p.m. for West End theaters and 10 p.m. for others. Yesterday's decision by the Home
(Continued on Page 5)

ENOUGH FRENCH PIX TO MEET U. S. NEEDS

Most of the American distributors of French pictures have enough product on hand to take care of this season's demands, a checkup yesterday revealed. There are enough pictures completed in France to supply the American market for more than a year, if the pictures can be brought over, it was said.

French distributors here said yes—
(Continued on Page 4)

New Morros RKO Contract May Be Signed Next Week

Borris Morros is in New York to discuss a new producing contract with RKO. He flew in from Hollywood Wednesday night with a print
(Continued on Page 4)

Wildberg-Skirball Talking Deal With Dorothy Arzner

Dorothy Arzner, noted woman director, may direct the first Jack Wildberg-Jack Skirball feature, "Angel Is 22," which is to be made at
(Continued on Page 4)

THE Film DAILY

ALL THE NEWS
ALL THE TIME

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	113 1/2	103 1/2	113 1/2	+ 7/8
Col. Picts. vtc. (2 1/2%)	7 1/2	7 1/8	7 1/2	+ 3/8
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	
Con. Fm. Ind. pfd.				
East. Kodak	155	151 1/2	155	+ 2
do pfd.	160	160	160	
Gen. Th. Eq.	9 1/4	8 3/4	9	+ 1/2
Loew's, Inc.	34 5/8	33 5/8	34 1/2	+ 3/8
do pfd.	103 1/8	102 1/8	103 1/8	+ 1 1/4
Paramount	7 7/8	7 1/2	7 3/4	+ 3/8
Paramount 1st pfd.	82	80	82	+ 5
Paramount 2nd pfd.	9 1/8	8 1/2	8 1/2	
Pathe Film	10 3/4	9 3/4	10 3/8	+ 3/4
RKO	13 1/4	13 1/4	13 1/4	
20th Century-Fox	14 1/2	14	14 3/8	+ 7/8
20th Century-Fox pfd.	23 1/4	22	22 1/2	+ 1/2
Univ. Pict. pfd.				
Warner Bros.	43 3/8	4 1/8	4 1/4	
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6546			
Loew's deb. 3 1/2% 46	96 3/4	96 1/4	96 3/4
Para. B'way 3555			
Para. Picts. 6555			
Para. Picts. cv. 3 1/4% 47			
RKO 6541	55 1/8	55	55
Warner Bros. cv. 6539			
Warner Bros. db. 6548	80	80	80

NEW YORK CURB MARKET

Monogram Picts.	1 1/4	1 1/4	1 1/4	+ 1/8
Sonotone Corp.	1 1/4	1 1/4	1 1/4	
Technicolor	12	12	12	+ 1/2
Trans-Lux	2	1 7/8	1 7/8	- 1/8
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	102	
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 65 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	63	68
Roxy Thea. Bldg. 45 1st '57	57 3/4	60 1/4

Ray Hall Joins March of Time

Ray L. Hall, former Pathe news editor and short subject producer, has been assigned special production duties on March of Time's first full-length feature, "The Ramparts We Watch." Ashley Abel, George Stoetzel, James Delevan and Walter Lang have been assigned to M of T's technical staff to work on "Ramparts."

ALONG THE



WITH PHIL M. DALY

● ● ● EARLIER this week the big news was rain in Poland..... but yes'day it was snow in England..... Snow White..... for overseas dispatches told of the British Tommies having ditched "Tipperary"..... in favor of the Disney opus ditty, "Heigh-Ho"..... paraphrasing the lyric by chanting..... "Heigh-Ho, Heigh-Ho, it's off to war we go".....

● ● ● ROCHESTER'S boss..... we mean Jack Benny..... is in town and with the info..... that he is talking a deal by terms of which..... believe it or not..... he will appear in a Paramount pix with Fred Allen..... Well, there is one war that's over!.....

● ● ● THERE are conflicting stories along local Film Row..... as to why Smiley Burnette did not appear at the Atlas Theater in Washington..... as he was scheduled to do on Sept. 10-11-12..... Checkup reveals only that Smiley had to get back to Hollywood for pix-making..... but this is scarcely calculated to assuage the ire of Atlas' C. H. Olive..... a real showman who insists, excuses to the contrary..... that the show must go on.....

● ● ● ARTURO ALVAREZ announces he'll commence casting on Tuesday at the old Russian Bear at 205 Second Ave..... for his Spanish-language feature, "Apache's Fate"..... to be filmed at the local Filmmart Studio..... Next, he'll make a Mexican pix, "Cactus Valley". . . ● Note to George Lefko, RKO's branch mgr. in Cleveland..... How'd you like the friendship testimonial which your host of exhib. friends in the Pittsburgh territory signed..... which, with a big, bright new traveling bag, Sam Neaman of Natrona, Pa., personally delivered to you..... because the Smoky City gang liked you so much..... during your eight-year biz stay among them?.....

Small Plans Quick Start of "Carson" and "My Son"

West Coast Bureau of THE FILM DAILY
Hollywood — Edward Small will send two of his major productions for current season UA release before the cameras immediately. They are "Kit Carson, Avenger" and "My Son, My Son!" Robert Carson has been engaged to complete the screenplay of "Kit Carson, Avenger." The screenplay of "My Son, My Son!" Howard Spring's best-selling novel, has just been completed by Lenore Coffee.

Directors and casts for both productions are to be announced within the next few days.

Conn. Allied To Nominate New Officers on Tuesday

New Haven—Allied Theaters of Connecticut will meet for nomination of 1939-40 officers Tuesday at the Hofbrau Haus Restaurant, with Maurice Shulman presiding. Shulman, and Dr. J. B. Fishman, of the Board of Directors, will give reports on the Allied Theater Owners of New Jersey convention at Atlantic City.

42 M. A. Shea Theaters in Warner Product Deal

Warners has closed a seasonal product deal with the M. A. Shea Circuit, Gradwell L. Sears, general sales manager, disclosed yesterday.

The deal involves a total of 42 theaters located in Massachusetts, New Hampshire, New York, Ohio, Pennsylvania and Rhode Island. The deal was set by Roy Haines, Eastern and Canadian sales manager for Warners, and Dick Kearney who acted for the circuit.

Beaulac Joins QAI, Inc.

Montreal—Eugene Beaulac, former Province of Quebec motion picture censor, has been appointed managing director of the Quebec Allied Interests, Inc., the association controlling United Amusement Corp.'s interests in Quebec City.

Esperia Pix at Cinecitta

Squire theater at 8th Ave. and 44th St. reopens on Sept. 21 as the Cinecitta and will serve as a first-run outlet for releases of Esperia Film Distributing Co., 1650 Broadway. Opening attraction at the Cinecitta will be the Italian-made pix, "Scipio Africanus."

COMING AND GOING

JOHN HAY WHITNEY, Selznick International board chairman, has returned from a brief visit to the Coast.

J. A. McCONVILLE, foreign manager for Columbia, and CHARLES ROBERTS, home office supervisor for Latin America, sail tomorrow to South America.

FRANKLYN WARNER returns to the Coast tomorrow.

RUSSELL BIRDWELL planes in from Hollywood today and will stay at the Sherry Netherland.

ADELA ROGERS ST. JOHN, writer, returns here next week from Hollywood after completing an assignment for Paramount.

JOHN EBERSON, film theater architect, returns to his New York office today from Philadelphia.

JAMES MULVEY, vice-president of Samuel Goldwyn Productions, left for the Coast yesterday.

GLORIA JEAN, Universal starlet, has returned to the Coast after a personal appearance tour in the East.

GLADYS COOPER has arrived on the Coast to appear in the Selznick production of "Rebecca."

BERNARD KRANZ, Albany branch manager for RKO, has returned to that city after a vacation here.

PAT CASEY, producers' labor representative, is expected to return to the Coast next week.

GROVER WHALEN, World's Fair prexy, is scheduled to sail for Europe tomorrow.

EVELYN ANKERS, British film actress, has arrived here from England.

ANN SHERIDAN arrives here the end of the month from Hollywood for a two weeks' stint at the Strand, and will then appear in several other keys.

"Inside the Maginot Line" Set for 1,000 Rebookings

One hundred and fifty prints are in use and there are 1,000 current bookings, most of them second engagements, of March of Time's "Inside the Maginot Line," Short Subject Sales Manager Harry Michelson of RKO Radio Pictures said yesterday.

A new one-sheet, new pressbook and trailer have been rushed to RKO Radio exchanges and sets of six stills also are available.

Circuits over which "Inside the Maginot Line" have been booked include RKO, Warners, Fox, Wilby, Kincey, Dent and Schine.

Heart Attack Is Fatal

Denver—Howard Allen dropped dead of a heart attack in Gordon, Neb. He was manager of the Pace theater there, while house is under the Black Hills Amusement Co.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 15

Louis Gasnier
George Brown

Robert T. Kane
Alfred N. Goldsmith



The selection of Leo, Jr., was the biggest national publicity stunt ever staged for a short subject. A nation-wide hunt by International Lions Clubs! The winner at Lions' international convention at Pittsburgh! Crowned at New York World's Fair! The flight to Hollywood to become the living symbol of M-G-M's superior short subjects.

THEY CAN'T HOLD LEO, JR.!

He's roaring to go!
Here are a few of his new shorts!

WAR! ATHENIA SUNK BY SUBMARINE

ASH CAN FLEET
Exposing secrets of submarine warfare! Timely!
Thrilling! Terrific! Released Sept. 9.

**45,000,000 FANS AWAIT
OPENING NEW GRID SEASON**

FOOTBALL THRILLS OF 1938
PETE SMITH'S annual review of U. S. gridiron classics.
176 pigskin stars in 8 breath-taking games from
Coast to Coast. Release date Sept. 16.

**14,000,000 BOWLERS
RETURN TO ALLEYS**

SET 'EM UP
PETE SMITH bowls 'em over with a natural for exploitation.
(Remember "Strikes and Spares"!)—Release date Sept. 30.

**SAFETY GROUPS LAUNCH WAR
ON DRUNK DRIVER MENACE**

DRUNK DRIVING
This CRIME DOES NOT PAY shocker will save lives!
1001 Tieups! Guaranteed to top "Hit and Run Driver!"
Coming soon.

ENOUGH FRENCH PIX TO MEET U. S. NEEDS

(Continued from Page 1)

terday that the producers in France "saw the war coming" and pushed production to the limit in order to be well stocked with pictures for their own, as well as foreign markets.

However, insurance rates have increased so much since the outbreak of the European war that some distributors over here feel that they will not be able to afford to import many pictures.

A large number of productions were before the cameras when hostilities began and, of course, have been abandoned as actors, directors and technical crews have been called to the front.

Detroit—Local bookings of foreign films will not be affected for about a year, according to Ira Kaplan of the Cinema Theater. Enough film is now available in this country to keep the Cinema going for at least that long, he said, and sufficient foreign production, partly caused by the need for continued import revenue in European countries, is anticipated, with the possible exception of German product, he added.

Concord Films Organized to Distribute Foreign Pix

A new company, known as Concord Films, Inc., has been organized in New York for the distribution of foreign pictures. Heading the company which has offices at 154 W. 55th Street, are Martin J. Lewis, H. S. Rosenwald and Harold E. Neuberger.

"Rasputin," starring Harry Baur, is the company's lead-off picture which is slated for an early opening at the 55th Street Playhouse, with simultaneous premieres planned in about 15 cities. Picture is expected to have a run of at least 25 weeks at the 55th Street house, according to the distributors.

Michigan Allied Plans Forum at Its Convention

(Continued from Page 1)

a board meeting on the opening day. A golf tournament starts off the second day's activities, followed by a luncheon and the first business session in the afternoon, when the open forum will be conducted. A party for the "old timers," especially those no longer active in the business, is slated for the evening.

The golf finals will be held on the morning of the third day. Business session and election of officers will occupy the afternoon and the convention winds up with a banquet at night.

"Frank James" Next

West Coast Bur., THE FILM DAILY

Hollywood—Twentieth-Fox will make "The Return of Frank James" as a sequel to "Jesse James," Henry Fonda will have the key role.

U. S. Television to Register Another "First" With Initial Original Revue

Television in the U. S. will register another "first" Tuesday night when NBC telecasts "As Others See Us," initial attempt to present an original musical revue. Edward Padula is the producer, piece is by Norman Zeno and Lew Daly and cast includes Imogene Coca, Grace MacDonald, Dorothy Fox, Hiram Sherman, Charles Walters, Marie Nash and Robert Shackleton. Program goes out over W2XBS at 8:30 p.m.

D of J Shelves Biz Advisory Group Plan on Trust Laws

(Continued from Page 1)

involved, had to say in addressing the NPA convention at Atlantic City this week.

Arnold flatly said that the war crisis would bring expansion rather than contraction of "trust busting" activities and said he would again ask Congress for increased appropriation.

Arnold's announcement was received here with interest because of previous predictions that mobilization of national resources might mean the ending, for the time being, of the work of Arnold and his division.

Uniform Action to Stop Animal "Abuse" Planned

(Continued from Page 1)

ing anti-cruelty laws in nearly any state of the union" in an effort "to secure spectacular animal scenes at expense of great suffering and often death" of animal actors. Hansen, reporting after a month's survey of producing units on location, called upon the industry to abandon the use of pitfalls and camouflaged stockades.

Wildberg-Skirball Talking Deal With Dorothy Arzner

(Continued from Page 1)

Eastern Service Studios for Columbia release. Wildberg, who left yesterday for the Coast, said that negotiations were on with Miss Arzner but no pact had been signed.

Wildberg said he expected the Sinclair Lewis story to go before the cameras about Nov. 1. With Skirball, who is on the Coast, Wildberg will obtain talent for their first picture.

New Morros RKO Contract May be Signed Next Week

(Continued from Page 1)

of his first picture for RKO release, "The Flying Deuces," starring Stan Laurel and Oliver Hardy. Morros said yesterday that he expected to make an announcement regarding the extension of his RKO contract and the number of pictures it will involve early next week.

War Not Halting 1939-40 Technicolor Commitments

(Continued from Page 1)

completed. Columbia has postponed the production of "Arizona" in Technicolor for 60 days, but the picture was not cancelled.

Technicolor's English plant is functioning, it was stated yesterday.

Mortgage on Loew's State, Boston, Retired Via Loan

(Continued from Page 1)

Keith-Albee-Orpheum Co., and Monogram Pictures Corp.

Loew's Boston Theaters Co. reported making a \$300,000 note payable to the First National Bank of Boston bearing date of Aug. 4, with interest at two and a half per cent, and due Feb. 1, 1942. Amortization payments are listed as \$70,000 each on Feb. 1 and Aug. 1, 1940 and Feb. 1 and Aug. 1, 1941, and a final \$20,000 on Feb. 1, 1942. The funds are to be used to retire the balance of a first mortgage on the State Theater maturing May 1, 1941 and bearing four per cent interest. The original note, it was reported, was for \$600,000.

Purchase was reported by Keith-Albee-Orpheum of 100 shares of Class B stock of the Eighty-First Street Theater Corp. for \$10,000, plus half of the surplus of the corporation as of Aug. 31. The 100 shares represent half of the outstanding stock and are without voting power. The remaining half of the outstanding stock which has 100 per cent of the voting power is held by B. F. Keith Corp., a subsidiary of the K-A-O Corp.

Monogram, through its secretary, M. S. White, informed the SEC that the board had voted to change the by-laws so that the principal office may be maintained anywhere in the state of Delaware.

St. Louis MPTO Labor Com. Will Seek to End Dispute

(Continued from Page 1)

an effort to settle current differences. New wage scales are being sought by the service staffs for both Class A and Class B houses.

It is understood that Local 2-B (service employees) is seeking scales which would raise cashiers, ticket takers and doormen in Class A houses from 40 cents an hour to 58 cents; ushers, matrons and attendants from 30 cents an hour to 53 cents; cloakroom attendants and pages from 30 cents to 51 cents; cleaners and porters from 35 cents to 67 cents.

Demands for Class B. houses are reported to include a rise of 40 cents an hour to 55 cents for cashiers, doormen, etc., and an increase from 35 cents an hour to 50 cents for ushers.

The stage hands are expected to discuss the question of maintenance crews in theaters.

Opens Second House

Osceola, Ark.—Miss Emma Cox, owner of the Gem here, has opened a second film house in the Driver building.

COL. TO HOLD SALES CONVENTIONS IN S. A.

(Continued from Page 1)

itinerary includes visits to the following countries: Cuba, Puerto Rico, British West Indies, Mexico, Panama, Venezuela, Peru, Chile, Ecuador and Argentina.

These conventions, first to be held by Columbia in Latin-American countries, were said yesterday to be in line with the company's policy in relation to that market. McConville lays particular stress on these meetings in view of the change in the world picture which resulted in drastic economic conditions. He emphasized, however, that Columbia would go through with its heavy production budget, spending \$5,000,000 more than at any time in the company's history.

Four pictures made in Mexico, one in France and the Hollywood-made product are available for the Spanish speaking countries.

Convention delegates attending at Havana include: E. P. Smith, P. Martinez and C. Perez, Cuba; E. Kerner, B.W.I.; H. B. Prosdocimi, Panama; S. Kusiel and R. Sevilla, Mexico; M. Ramirez Torres, Puerto Rico and C. Van der Ree, Venezuela.

At Buenos Aires, the Argentinian delegation will embrace L. Goldstein, A. Muruzeta, C. B. Rosmarin, Mr. Planas, C. Flaherty, J. Antun, and E. Martinez, Brazil will send A. M. Noye, E. Steinberg, A. Zonari, J. Barbosa, I. A. Ekerman, and W. Graetzer. Uruguay, Chile and Peru will also be represented.

Curtis, Schine Ad Chief, to Fill Rochester Post

Gloversville—Gene Curtis, head of the Schine Enterprises publicity and advertising department for the past year and a half, has been transferred to Rochester, where he will be special home office representative in Rochester, East Rochester and Fairport. He will headquarter at the Riviera theater.

Curtis, departing, was presented a fountain pen desk set by his associates as a farewell gift. A scroll bearing the names of his well-wishers went with it.

In connection with the shift, Robert Quinlivan goes from the Riviera, Rochester, to the Avon, Watertown, as manager. Lou Levitch continues as Schine Rochester city manager.

Pending the selection of Curtis' successor, Harold F. Sliter will have charge of the advertising-publicity dept.

Aerial Brush-Up

West Coast Bur., THE FILM DAILY

Hollywood—Director Eddie Sutherland, who during the World War was a pilot in Canada's Royal Air Force, has been brushing up on flying big-powered ships the past few weeks. Recently finished with "Flying Deuces," Laurel and Hardy starrer. Sutherland has spent at least two hours each flying day in the air.

2,000 MORE BRITISH THEATERS REOPENING

(Continued from Page 1)

Office was prompted by the further representations made on Wednesday by a CEA deputation. It bore out forecasts that the Government would do its best to quickly terminate the emergency period which saw the industry here virtually at a standstill.

The Home Office in its several meetings with trade deputations

Home offices by this week-end expect to be able to contact all their European branches with the exception of Poland as radio telephone service has been restored to most countries during the past week. Italy, Holland, Belgium, Bulgaria, Germany, England, France, Yugoslavia and Lithuania can now be reached by phone after shut-downs in each country of a varying length of time.

manifested a sympathetic attitude. It is anticipated that the Board of Trade will be similarly disposed to act favorably on the representations being made by labor and producers.

Reopening of the several thousand additional houses today was cheering news to U. S. distributors. Already there is some talk by some of a return to Wardour Street from the temporary headquarters established at the outbreak of the war.

Warners to Spend \$400,000 On New Studio Sound Stage

West Coast Bureau of THE FILM DAILY
Hollywood—Warners has decided to increase to \$400,000 its appropriation for the sound stage being constructed over the lake on its backlot, Jack L. Warner says. Work on the new stage, the largest on the Burbank lot, is now scheduled to be completed about Oct. 1.

Coast Federal Grand Jury Meets on Pix Matters Thurs.

West Coast Bureau of THE FILM DAILY
Hollywood—Among matters that Charles H. Carr, special assistant to U. S. Attorney General Frank Murphy, declared would be considered by a Federal grand jury which convenes Thursday are alleged reports of \$100,000 being paid to William Bioff, and details surrounding the merger of 20th Century Pictures Corp. and the Fox Film Corp. Sessions will last several weeks.

Organize Shorts, Inc.; Will Make 52 Melody Puzzles

West Coast Bureau of THE FILM DAILY
Hollywood—Carl Hajos and Emile Seidl have formed Shorts, Inc., to make 52 one-reel Melody Puzzles which will be used by exhibitors for contest purposes. The first four are being made at the General Service Studios. A 35-piece orchestra will be used in each subject. Hajos has copyrighted his idea for the series.

★ REVIEWS OF THE NEW FILMS ★

"Rulers of the Sea"

with Douglas Fairbanks, Jr., Margaret Lockwood, Will Fyffe

Paramount 96 Mins.

(HOLLYWOOD PREVIEW)

SEA TALE DEFINITELY IN THE HIT CLASS AND SHOULD SEND TIDAL GROSSES IN THE BOX OFFICES.

Here's a tale of the sea definitely in the hit class—a picture that should send tidal grosses into the box offices. Frank Lloyd, responsible for many an outstanding sea saga in the past, has more than repeated here. There's human interest, suspenseful action and appealing romance, artfully woven together. It's the story of a man, who had a dream—a dream to send boats over the Atlantic by steam—and how the dream came true. A memorable, human performance is that of Will Fyffe as the Scot machinist who had the vision to see that steam power would one day conquer the sea and make the sail outmoded. Douglas Fairbanks, Jr., is splendid as the young seaman who has faith in Fyffe and gets the backing for the making of the steam engines. Margaret Lockwood is a very valuable member of the cast as Fyffe's plucky daughter, with whom Fairbanks, Jr., falls in love. George Bancroft does fine work as a sea captain, who scoffs at the use of steam, while Vaughan Glaser gives a good performance as a shipper, who puts up the money to have the "Dog Star" equipped with engines, to attempt the trip across the North Atlantic. David Torrence, Montagu Love, Lester Matthews and Lawrence Grant are among the important principals. Lou Smith functioned as associate producer and James Havens as associate director. Talbot Jennings, Frank Cavett and Richard Collins contributed a strong screenplay, based on their original story. When Fyffe is about to give up hope that his engine will ever be used, he meets Fairbanks, Jr., who inspires him to continue work on it. The young seaman goes to London and interests Glaser in financing Fyffe. Many obstacles have to be overcome before the "Dog Star," a doughty, little paddle steamer, is overhauled and equipped with the machinery. Then starts the trip by steam power alone. In mid-ocean engine trouble develops and it seems help will be needed from the scoffing Bancroft, commanding the nearby "Falcon," but the trouble is righted in time. Fyffe, who has been scalded by escaping steam, dies, but not before the "Dog Star" reaches New York and his dream has been realized.

CAST: Douglas Fairbanks, Jr., Margaret Lockwood, Will Fyffe, George Bancroft, Montagu Love, Vaughan Glaser, David Torrence, Lester Matthews, Alan Ladd, David Clyde, Mike Driscoll, Mary Gordon, Lionel Pape, Ivan Simpson, Olaf Hytten, Denis D'Auburn, David Dunbar, Barry Macollum, George Melford, Wilson Bengie, Dave Thurstby, John Power, Earl Askam, Charles McAvoy, Napier Rakes, Lawrence Grant, Jane Dewey, Clare Verdera, Neil Fitzgerald, Alec Craig.

CREDITS: Producer, Frank Lloyd; Director, Frank Lloyd; Associate Producer, Lou Smith; Story and Screenplay by Talbot Jennings, Frank Cavett, and Richard Collins; Photography, Theodor Sparkuhl, A.S.C. and Archie Stout, A.S.C.; Art Direction by Hans

"Blackmail"

with Edward G. Robinson, Ruth Hussey, Guinn Williams, Gene Lockhart

M-G-M 81 Mins.

CORKING DRAMATIC STORY IS PACKED WITH SUSPENSE AND ACTION FROM START TO FINISH.

Here is one of the better pictures. It is packed with suspense, the cast's work is excellent, and the direction is flawless in building the story to its dramatic climax. Edward G. Robinson is outstanding as an innocent victim of a robbery who has made a new life for himself after his escape from a chain gang. Ruth Hussey, his wife, is exceptionally attractive and extremely capable. Gene Lockhart gives a top-notch performance as the blackmailer. Guinn Williams fits the role of Robinson's handyman in the oil business like a glove. "Bobs" Watson is good as Robinson's son. H. C. Potter rates laurels for his direction. Robinson, top man in the field of experts on extinguishing oil well fires, makes enough money to sink a well of his own. He returns home one day to be confronted by Lockhart. Formerly shipmates, Lockhart knows that Robinson escaped after being sentenced for stealing money from the ship's purser. He admits to Robinson that he took the money himself and hid it under Robinson's bunk when he couldn't get away with. He agrees to confess for enough money to take care of his family, but he "frames" Robinson and tips off the police. Robinson is returned to the chain gang only to read in the papers that the well has been brought in and Lockhart, now the owner through his trickery, will make a fortune while his wife and child are broke. He escapes again and fires the well, knowing that it will make Lockhart return as the sale had not been completed. Lockhart is trapped by Robinson near the flaming oil well, and fearful of being thrown in, confesses everything. Exhibitors can stress action and punch in advertising this one, with a swell dramatic story to boot. Sell this one to the public because patrons are sure to like it.

CAST: Edward G. Robinson, Gene Lockhart, Guinn Williams, "Bobs" Watson, Ruth Hussey, Arthur Hohl, John Wray, Esther Dale, Charles Middleton.

CREDITS: Producer, John Considine, Jr.; Director, H. C. Potter; Story, Endre Bohem and Dorothy Yost; Screenplay, David Hertz and William Ludwig; Editor, Howard O'Neill; Cameraman, Clyde De Vinna.

DIRECTION, Expert. PHOTOGRAPHY, Good.

Bob Garland, Crash Victim

Denver—Bob Garland, booker for the southern district of Fox Inter-mountain theaters, was taken to St. Luke's hospital in Denver suffering from severe shock, a broken arm and cuts and bruises from an auto accident near Montrose.

Dreier and John Goodman; Edited by Paul Weatherwax; Sound Recording by Harold Lewis and Walter Oberst; Interior Decorations by A. F. Freudeman; Special Photographic Effects by Gordon Jennings, A.S.C. and Farciot Edouart, A.S.C.; Musical Score by Richard Hageman.

DIRECTION, Top-notch. PHOTOGRAPHY, Aces.

"The Real Glory"

with Gary Cooper, David Niven, Andrea Leeds, Reginald Owen

Goldwyn-UA 95 Mins.

(HOLLYWOOD PREVIEW)

SWELL GARY COOPER VEHICLE PACKED WITH ACTION SHOULD CLICK SOLIDLY.

This story of a handful of American officers, who drilled and led a group of Filipinos against a dangerous Moro chieftain and his men is packed with action and is a real thriller. Gary Cooper is the dominating figure as an army doctor, who so inspires the Filipinos that they throw off their fear of Tetsu Komai and his warriors and fight so bravely that they gain a gallant victory. Henry Hathaway did a grand job of directing, creating suspense and maintaining interest to the end. To Samuel Goldwyn goes credit as producer and Robert Riskin as associate producer. David Niven does splendid work as a brave, carefree officer, while Broderick Crawford gives his best performance to date as a heroic, awkward soldier, whose hobby was growing flowers. Reginald Owen is fine as the commanding officer, who hides the fact that he is going blind. Andrea Leeds is excellent as his daughter, with whom Gary falls in love. Tetsu Komai is convincing as the chieftain, while Vladimir Sokoloff plays his cunning lieutenant. Kay Johnson, Russell Hicks, Roy Gordon and Charles Waldron do good work, and Benny Inocencio is appealing as a Moro boy, who is befriended by Gary. Jo Swerling and Robert R. Presnell fashioned a gripping screenplay, based on the novel by Charles L. Clifford. Although two commanding officers have been slain by the Moros, Owen refuses to allow his men to pursue Komai into the jungles. Komai dams the river that supplies the settlement with water, and cholera grips the natives. Sokoloff, planning to have Owen and his soldiers ambushed, leads them into the jungle, but Cooper comes to their rescue. He dynamites the dam and returns to the village to lead the natives against the bloodthirsty Moros. The Filipinos, determined to save their land, rout the Moros and Komai is slain.

CAST: Gary Cooper, Andrea Leeds, David Niven, Reginald Owen, Broderick Crawford, Kay Johnson, Russell Hicks, Vladimir Sokoloff, Benny Inocencio, Charles Waldron, Rudy Robles, Tetsu Komai, Roy Gordon, Henry Kolker.

CREDITS: Producer, Samuel Goldwyn; Associate Producer, Robert Riskin; Director, Henry Hathaway; Screenplay by Jo Swerling and Robert R. Presnell; From the novel by Charles L. Clifford; Art Director, James Basevi; Photography, Rudolph Mate, A.S.C.; Musical Direction by Alfred Newman; Costumes by Jeanne Beakhurst; Special Effects, R. O. Binger, A.S.C. and Paul Eagler, A.S.C.; Set Decoration, Julia Heron; Film Editor, Daniel Mandell; Sound Technician, Jack Noyes; Technical Advisor, Col. William H. Shutan; Associate Director, Richard Halmadge; Assistant Director, Eddie Bernoudy.

DIRECTION, Grand. PHOTOGRAPHY, Excellent.

Apel Folds Tunes, Inc.

Detroit—Del Apel has closed the office of Tunes, Inc., here. Future plans are uncertain.

THEATERS

- CARPETING
- COOLING EQUIPMENT
- PROJECTION

EQUIPMENT

UPSWING IN BUILDING FORECAST BY EBERSON

Philadelphia—Widespread building and remodeling operations nationally will feature the Autumn and early Winter, it was asserted here yesterday by John Ebersson, film theater architect, prior to his return to his headquarters in New York.

He declared that the upswing in public purchasing power and the consequent promise of increased film attendance during the 1939-40 season is spurring exhibition interest in virtually all sections of the country to initiate improvements to their houses.

Ebersson disclosed that the present schedule of work in his own offices comprises in part the extensive remodeling of the Grenada Theater, Buffalo, for the Schine Circuit, and also the remodeling of their Riverside Theater in the same city, plus complete rejuvenation of the circuit's Palace in Syracuse.

He also listed plan preparation for the new 800-seater which Lloyd J. Wineland, as president of the Fairlawn Amusement Co. of Anacostia, will construct in Washington, D. C., and plans for Warners' new Astor Theater in Philadelphia, which will entail complete demolition of the present house by that name. The new theater will be a 1,500-seater.

The Taft Estate has also selected Ebersson as architect for a new Times Theater building to be erected at Sixth and Walnut Sts., Cincinnati, and under lease to I. Libson of that city. Contract for the new "Taft Theater," in Cincinnati, to be known as the Grand Theater, and under lease to RKO, has been awarded to Frank Messer & Sons, Inc., there. Ebersson is the architect.

Ebersson is also preparing plans for the Ellaness Theaters' new house in Steubenville, Ohio.

Among other Ebersson jobs now under way are the new theater in Ridgefield, Conn., for Prudential Playhouses; the new house which is being built in Massillon, Ohio, for the account of Pyramid Theater; and the new Mellie Esperson Building in Houston, Texas, being erected at a cost of several million dollars.

Four-Color Lighting Plan For Ames' Capitol Canopy

Ames, Ia.—The Capitol Theater is getting a new front with the Ames Theater company spending \$1,500 redecorating the showhouse. Improvements include a new canopy with 350 feet of contrasting-color fluorescent tubing, modern show cases for wall spaces on either side of box-office, new drapes for entrance and exit doors. Powder blue, apple green, ruby red and sunset yellow are the colors used in new lighting scheme.

USSC Expands

Detroit—Increase in business has necessitated the removal of United Sound System Co.'s offices into larger quarters. An entire two-story building at 5840 Second Blvd. has been taken over.

Minnesota Theaters Install New Alexander Smith Carpet

Extensive activity in the Alexander Smith Contract Division is reported in Minnesota. Among the jobs recently completed are the Highland Theater and the West Theater both of St. Paul while across the river in Minneapolis Alexander Smith Carpet has been installed in the Varsity Theater, the Vogue Theater and in the Radisson Hotel.

Rural Minnesota has likewise been experiencing a Smith boom with theater installations at White Bear Lake, Parkers Prairie, Cook, Gaylord, Winthrop and Sauk Centre.

Heberlee Ice Machine Co. In New Detroit Quarters

Detroit—Heberlee Ice Machine Co. has moved to new quarters at 430 E. Woodbridge St. The company is completing installation of a 60-ton capacity Vilter machine unit, with complete air conditioning, at the Lakewood Theater for William A. Guentsche. Heberlee Co. is also completing an installation with deep well for cold water supply for George C. Marr at the Marr Theater, at Saginaw.

Ellaness Builds \$40,000 Bryan House, Seating 700

Bryan, O. — Construction of the new Bryan Theater, on the west side of the court square, has been begun by the Guy Johnson Lumber & Supply Co., Steubenville, to cost an estimated \$40,000, and with seating capacity of 700. House is being built by the Ellaness Co., which also operates the Temple Theater in this city. G. H. Redhead is in charge of construction.

Cincy Supply Biz Brisk

Cincinnati—J. Stallings, Mid-West Theater Supplies comments new supply business is exceptionally brisk, due to the unusual number of new theaters in and around this city. Mid-West is completely equipping Willard Vance's new house in Newport, Ky., also the new Hilltop Theater, being erected by R. W. Tusch and William Morrison, in North College Hill, Cincinnati. Mid-west will also equip the new Elmwood Theater, now under construction.

RADIANT LAMP CORP. EXPANSION APPROVED

A plan to expand the corporate and financial structure of the Radiant Lamp Corp., 260 Sherman Ave., Newark, N. J., submitted by Felt & Co., New York, has been approved by stockholders, according to Ernest L. Wagner, vice-president. While under the new plan a group of financial and business interests associated with Felt & Co. will become substantial stockholders and take an active part in the business, the present factory and sales executives, who have long been connected with the lamp business, will continue in direct charge of these divisions.

Since its organization over five years ago, the Radiant Lamp Corp. has grown steadily. Its plant is said to be the largest in the world devoted exclusively to the manufacture of concentrated filament lamps. The company manufactures a complete line of motion picture projection lamps, floodlights, spotlights and lamps for motion picture production, aeronautical and general outdoor and sports lighting. Its products are distributed throughout the world.

Among the new directors of the Radiant Lamp Corp. are Byrne E. Baldwin, partner in the banking firm of Haydn, Stone & Co. and Earl Baird, son of the late U. S. Senator Baird of New Jersey. Eugene W. Leake, former president of Film Securities Corp. and trustee in the Paramount Pictures receivership, will act as general counsel.

Heywood-Wakefield Reseats Madison Theater, Detroit

Detroit—Madison Theater, former first-run house, will reopen today. House has been reseated by Heywood-Wakefield, with a complete installation of projection, sound, and booth equipment, including Brenkert-RCA equipment, by Oliver Theater Supply.

New House for Altoona

Pittsburgh — The Rivoli Theaters, Inc., comprising a circuit of 12 theaters in Western Pennsylvania and operated by R. Allison, veteran showman, will build a new 550-seat house in the Lisbon section of Altoona. Construction is to be completed by Nov. 1.

Motiograph Installation

Bridgeport — Harold Tabackman, operator of the Bostwick, contracted with Modern Theater Equipment for new Motiograph projectors, screen and lenses.

THEATER CHAIRS

The Public Alone

By GEO

Equipment Ea

MANY millions say daily, in substance, "Let's go to the movies." On a weekly average, statistics disclose, some 85,000,000 entertainment-seekers do go.

Such a mass outpouring causes the alert theater operator to take stock of how best he can gain his deserved share of the patronage logically open to him in his community. The so-called stock-taking naturally embraces such factors as the reputation of the features available; draw of the players; extent and type of the programs; admission scale; accessibility of the house; parking facilities; promotional campaigns; proper theater maintenance; courtesy of employees; and comfort offered the customer.

Under the latter heading come the all-important factor of seating for any decision on the part of patron to attend a film program inseparable from the thought of getting a good seat. To the average picturegoer, the term good seat does not necessarily mean a satisfactory vantage point, for no seat can be called good which isn't comfortable.

WHILE a great number of houses are today equipped with comfortable chairs according to modern scientific standards, there are many also which retain the old models which were designed prior to the advent of scientific determination of form, construction, upholstering and maximum-wear fabrics.

In the instance of the newly constructed theater, thoroughly modern chairs are the rule, for the market's best have been generally adopted. Remodeling operations to existing houses often move owners to include re-seating, on the premise that it might just as well be effectuated along with other planned improvements. But there are relatively few

MENT

STUDIOS

- FURNISHINGS
- SCREENS
- SOUND SYSTEMS

SELECTION

Consideration

MORRIS

FILM DAILY

Examples of operators taking the proverbial bull by the horns and doing re-seating exclusively, although such a step would admittedly be a vivid builder.

A curious psychology, a seating company's representative points out, appears to prevail among theater owners who do launch into action to re-seat their properties. The tendency is for such a purchaser to judge the comfort of a theater chair on the basis of how comfortable the chair is to him personally. This fallacy is often as rife with danger as the booking of a particular feature film purely on the booker's personal taste, it is cited.

The comfort incorporated in a theater chair by its manufacture is a matter of scientific formula which has been evolved via long and intensive research. The anatomical form of individuals at large dictates contours, together with the personal habits of sitting posture of the public taken generally.

MANUFACTURERS' research and sales organizations have gathered expressions of likes and dislikes of thousands from coast to coast, thus providing an incomparable guide and check in determining the factors which assure the greatest comfort for the greatest number. In the instance of the American Seating Co., when these thousands of reactions are compared, and conflicting opinions analyzed and sifted, there arise definite principles which their research investigators have developed from studies of anatomy and the hygiene of sitting.

One of the best arbiters in the matter of selecting theater chairs can safely be said to be the theater architect,—and very rarely the individual purchaser who sets himself up as a public yardstick.

ANEMOSTATS END AIR DISTRIBUTION PROBLEM

An extensive remodeling program which included a complete change in air distribution methods in the Senate Theater, Detroit, has just been completed by Ben Cohn.

The Senate has been equipped with a well-water air cooling system for a number of years, but air distribution had been unsatisfactory. Cold air was introduced to the theater through two large sidewall grilles, each measuring 4 ft. wide by 6 ft. high. The bottom of these large grilles was at the arm rest level of the seats.

Hugh Lenane, engineer for American Refrigerating Co. of Detroit, found that great masses of cold air moving from the old grilles caused unpleasant drafts throughout the theater and a warm "dead spot" under the balcony.

To solve the problem, Lenane extended the air supply ducts up the back wall of the auditorium to six Anemostats located in the ceiling. New outlets were also installed under the balcony to offset "dead air" conditions. Two existing tunnels under the floor are now used to take return air from the front of the stage.

Because the Anemostats, product of the Anemostat Corp., 10 E. 39th St., New York, diffuse cool air to all parts of the theater with equal velocity and mix the cold air with the warm air which rises to the ceiling of the theater, tests have demonstrated that temperature differentials are now held within 2°F. in all parts of the theater.

Filmack Laboratories Enters Narrow Film Field

Filmack Trailer Co. of Chicago, is entering the 16 mm. non-theatrical field via Filmack Laboratories. Filmack has installed the latest cameras, printers and technical devices known to the narrow film field. Sound reproduction and musical accompaniment are also part of the extensive new service.

An informative 16 mm. catalog is available on request.

Grieves Order to Stanley

Chicago — The Stanley Theater Equipment Co. will supply Wenzel-Ace projectors, a streamlined canopy with Wagner letters, Ashcraft lamp-houses, Hurley screen, American Seating Co. seats and a porcelain front for the new Cine Theater, now under erection at Brazil, Ind., by Samuel Grieves.

Organ Installation

Cleveland—Organ recitals will make their bow at the Lorain Fulton Theater starting Sept. 17. Harry Henderson, manager, has installed a Hammond electric and will offer concerts of both classical and popular music.

Franklin Research Issues Rubber Gloss Wax Booklet

The Franklin Research Co., 5134 Lancaster Ave., Philadelphia, Pa., announces a new illustrated booklet on its product, rubber gloss wax, available on request.

This descriptive literature entitled, "Yes, They Look Alike," expresses the necessary qualities a practical, economical and safe floor wax must have. Simple equipment for testing the "water resistance" and the "coefficient of slip" (slipperiness) of a wax is illustrated and offered free to those interested in comparing different products.

The booklet contains descriptive bar charts and an analysis of the cost of maintaining a floor with a water emulsion wax, the latter having been made by a respected superintendent of a large building in Philadelphia.

CONSTRUCTION RISES IN LA.'S OIL FIELDS

New Orleans — The Gulf States territory of Louisiana, Mississippi, and parts of Alabama and Florida, has put in over \$500,000 in new theater construction since January, a FILM DAILY survey reveals.

Most of the building seems to have been done in the oil sections of Louisiana. The houses, either constructed or under construction, and their approximate values are: Louisiana — Vacharie, \$25,000; LaPlace, two, one at \$17,000, another at \$10,000; Carencrow, \$10,000; DeRidder, \$45,000; New Orleans, two, one at \$125,000, another at \$25,000; Baton Rouge (contemplated) \$30,000; La-Rose, \$15,000; Norco (contemplated; value unknown); Abbeville, two, one at \$10,000, another at \$25,000; Franklin, \$45,000; Vidalia, \$10,000; Golden Meadows (reported value about \$25,000); Mississippi — McComb, \$45,000; Jackson, \$40,000; Alabama — Mobile, two, one at \$70,000, another at \$45,000.



"HOTEL FOR WOMEN"

A hotel for women is no place for a man. Neither is a theatre the place for drab, cheap looking carpet. Which is one reason why most of the country's successful theatres have Alexander Smith Carpet.

ALEXANDER SMITH CARPET

HIGH

INTENSITY
PROJECTION

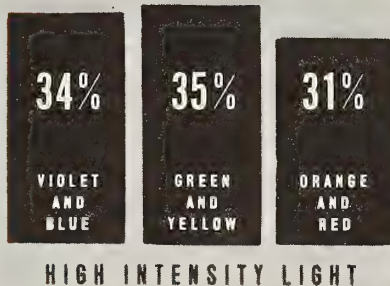
VS.

LOW

INTENSITY
PROJECTION

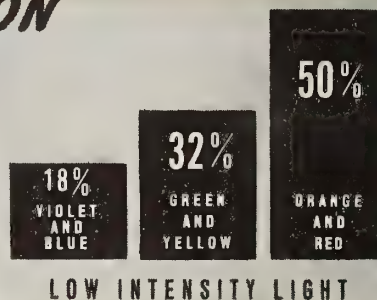
A GLANCE AT THE FIGURES BELOW WILL SHOW WHY MORE THAN ONE THIRD OF THE THEATERS IN THIS COUNTRY HAVE ADOPTED HIGH INTENSITY PROJECTION

COLOR COMPOSITION



The even color balance of high intensity projection light gives natural and pleasing screen reproduction of color features.

Lack of blue and excess of red in low intensity projection light distort the natural hues and beauty of color features.



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SIMPLIFIED HIGH INTENSITY PROJECTION - 6200 SCREEN LUMENS

LOW INTENSITY PROJECTION
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Simplified High Intensity projection provides 2.7 times the volume of screen illumination obtained from low intensity lamps. This gives a clear screen image at a comfortable level of general illumination.

Simplified High Intensity lamps provide 2.5 times as much screen light per watt as low intensity. You cannot afford to retain low intensity projection when a few cents more per day will give you *snow white* projection light in more than twice the volume.

EFFICIENCY OF LIGHT PRODUCTION 2.5:1

SIMPLIFIED HIGH INTENSITY PROJECTION - 1.60 SCREEN LUMENS PER WATT

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THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 54

NEW YORK, MONDAY, SEPTEMBER 18, 1939

TEN CENTS

Nation-wide Reports Indicate Strong Vaude Comeback

MAJORS WOULD LIMIT GOV'T ON INTERROGATORIES

Silverstone Sees Public Preferring Pix to News of War

THE WEEK IN REVIEW

No Production Curtailment

By L. H. MITCHELL

DOMESTIC

WAR AND U. S. PRODUCTION: Four major producers, at week's beginning, declared their companies would not curtail production of pix because of the war in Europe. The four were Warner Bros., Paramount, Universal and United Artists. Joseph M. Schenck, 20th-Fox board chairman, said that theater investments would prevent any production curtailment. Harry Cohn, Columbia prexy, said his company would make all pictures scheduled, spending \$5,000,000 more on them than in any previous year. Frank Speidel, head of Eastern Service Studios expressed the opinion that the war would not affect production in the East, and Technicolor stated all 20 pix announced to be filmed in its color system would be made. **FILM DAILY** survey in 18 large U. S. cities, showing business expansion proved the wisdom of the majors' "no cuts" decisions.

TRADE REFORM: Ed Kuykendall, MPTOA prexy, announced early in the week that major distributors would go ahead with trade practice reforms despite Thurman Arnold's blast at the Code. Austin Keough lent color to Kuykendall's prediction by announcing that Paramount would embody a cancellation clause in its exhibition contract. RKO Radio followed suit, stating that an arbitration clause would be a part of its new contract, adding another link to the chain Warner Bros. started late in August by adding the proposed Code's 20 per cent cancellation clause and the non-enforcing of shorts in its sales contract. At the week-end 20th Century-Fox was considering inserting an arbitration clause in its contract. MPTOA board listed 17 unsolved trade problems to be tackled

(Continued on Page 17)

UA Head Says Film Industry Must Contribute to the Country's Morale

Expressing the belief that the public prefers screen entertainment to war news, Murray Silverstone, head of United Artists, in a formal statement Friday said that the "next few months constitute a crucial period for the motion picture industry."

"If we recognize, as we must and will, that we have a tremendous contribution to make, the screen will maintain the high vital character it has been developing for the past three decades," he declared.

Commenting on the position the industry will hold in the face of

(Continued on Page 3)

SEE "TREATY" ENDING UNION TELE RIVALRY

Actors Equity and its affiliate unions are again turning their attention to the unionizing of television performers, a matter that

(Continued on Page 3)

ITO of Ohio Joins Fight on Old Age Pension Plan

Columbus, O.—Independent Theater Owners of Ohio has tossed in its lot with an emergency Commit-

(Continued on Page 3)

Vaudeville Bookings Reported Heavy In Midwestern and Eastern Theaters

Warner Club Golf Tourney Tomorrow Attracts Execs.

The Sixth Annual Golf Tournament of the New York Warner Club will take place tomorrow at Glen Oaks Golf Course, Great Neck, Long Island.

Over 130 golfers are expected to

(Continued on Page 17)

BROADWAY PIX GROSSES RISE

Biz Pace Equals or Betters That of Labor Day Week-end

Business on Broadway for the past four days, under the impetus of a two-day Jewish holiday, visitors here for the World's Fair, and an influx of New Yorkers returning from Summer homes, boomed at box offices at a pace equal to if not better in a great many cases than that at the Labor Day week-end.

The Rivoli, Roxy, Music Hall and Strand played to capacity crowds from Thursday on. The Rivoli, with

(Continued on Page 17)

Expect Anti-Games Bill in Wisconsin Will Die

Milwaukee, Wis.—Although the Paulson bill, which would bar Bank Night, Hollywood and similar theater games, has been passed by the senate, exhibitor leaders are not greatly concerned regarding its final passage since it is quite likely that the legislature will be adjourned before final action is taken on the bill. Exhibitors are opposed to the bill since it apparently does not ban Bingo from church halls.

Equity Suit Conference Between Counsel, D of J In Prospect

Developments crowded forward on the week-end in the Government's New York equity action against the majors, Friday bringing disclosure from sources close to the litigation that a conference is looming at which counsel for the defendants will make strenuous representations to the D of J for a satisfactory limitation of the sweeping 68 interrogatories filed by the Government.

Should the D of J, it is said, be unwilling to hear the private argument concerning the fairness of curtailment both the number and scope of the interrogatories, a formal mo-

(Continued on Page 4)

DISTRIBS. RECEIVE BERLIN COLLECTIONS

American companies' offices in Berlin are functioning more normally than those in Paris and London and collections are coming through from Germany.

The Paramount home office on

(Continued on Page 17)

Amusement Stocks on Big Board in Three-Day Climb

Amusement stocks on New York's big board, starting at mid-week, went into a three-day climb. One

(Continued on Page 3)

Restrict Exhibition of War Pix in Rio

Rio de Janeiro (By Cable)—First steps to restrict exhibition of war pictures have been taken here. Number of such films is to be limited, with the regulation applying to World War stories as well. Additionally, daytime showing of newsreel subjects dealing with the present hostilities is prohibited. War reels can only be presented after 8 p.m.

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)
NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	12 1/2	11 1/2	12 1/2	+ 1 1/8
Col. Picts. vtc. (2 1/2%)	8	7 1/2	7 1/2	.....
Columbia Picts. pfd. 19 1/2	19 1/2	19 1/2	19 1/2	+ 1/4
Con. Fm. Ind.	9 3/4	9 1/4	9 3/4	+ 1 3/8
Con. Fm. Ind. pfd.	9 3/4	9 1/4	9 3/4	+ 1 3/8
East. Kodak	158 1/4	154	157 1/4	+ 2 1/4
do pfd. ....	.....	.....	.....	.....
Gen. Th. Eq.	10 1/8	9 1/8	10 1/8	+ 1 1/8
Loew's, Inc.	36 1/2	35	36	+ 1 1/8
do pfd.	103 1/2	103 1/2	103 1/2	+ 3/8
Paramount	8 1/8	7 7/8	7 7/8	+ 1/8
Paramount 1st pfd.	85	83	84	+ 2
Paramount 2nd pfd.	9 1/8	8 7/8	9	+ 1/2
Pathe Film	11 3/8	10 1/2	10 5/8	.....
RKO	1 3/4	1 5/8	1 3/4	.....
20th Century-Fox	14 3/8	14 1/4	14 3/8	.....
20th Century-Fox pfd.	24 1/4	23 3/4	24 1/4	+ 2 1/8
Univ. Pict. pfd. ....	.....	.....	.....	.....
Warner Bros.	4 3/8	4 1/4	4 3/8	+ 1/8
do pfd. ....	.....	.....	.....	.....

NEW YORK BOND MARKET				
Keith B. F. ref. 6s46	.....	.....	.....	.....
Loew's deb. 3 1/2s46	96 1/8	96	96	- 3/4
Para. B'way 3s55	49	49	49	.....
Para. Picts. 6s55	.....	.....	.....	.....
Para. Picts. cv. 3 1/4s47	.....	.....	.....	.....
RKO 6s41	55	55	55	.....
Warner Bros. cv. 6s39	.....	.....	.....	.....
Warner Bros. db. 6s48	.....	.....	.....	.....

NEW YORK CURB MARKET				
Monogram Picts.	1 1/4	1 1/4	1 1/4	.....
Sonotone Corp. ....	.....	.....	.....	.....
Technicolor	12 1/4	11 1/2	12	.....
Trans-Lux	1 3/4	1 3/4	1 3/4	- 1/8
Universal Corp. vtc.	2 3/8	2 1/2	2 1/2	.....
Universal Picts. ....	.....	.....	.....	.....

N. Y. OVER-THE-COUNTER SECURITIES				
	Bid	Asked		
Pathe Film 7 pfd.	102	.....	.....	.....
Fox Thea. Office Bldg. 1st '46	3 3/8	5	.....	.....
Loew's Thea. Realty 6s 1st '47				
Met. Playhouse, Inc. 2nd deb. '45	63	67		
Roxy Thea. Bldg. 4s 1st '57	57 3/4	60 1/4		

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SECURITY

The Broadway Parade

Picture and Distributor

Theater

Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—19th week	Astor
The Old Maid (Warner Bros. Pictures)—6th week	Strand
The Star Maker (Paramount Pictures)—3rd week	Paramount
The Rains Came (20th Century-Fox)—2nd week	Roxy
Blackmail (Metro-Goldwyn-Mayer)	Capitol
Golden Boy (Columbia Pictures)	Music Hall
The Real Glory (United Artists-Goldwyn)	Rivoli
Payment Deferred (Metro-Goldwyn-Mayer) (d)	Criterion
The Day the Bookies Wept (RKO Radio Pictures)	Rialto
Parents on Trial (Columbia Pictures)	Globe
Treachery on the High Seas (Times) (a)	Central
In Old Caliente (Republic Pictures) (a)	Central
Fifth Avenue Girl (RKO Radio Pictures) (a-b)	Palace
Adventures of Sherlock Holmes (20th Century-Fox) (a-b)	Palace

FOREIGN LANGUAGE FEATURES

The End of the Day (Juno Films)—2nd week	Filmarte
On His Own (Amkino)	Cameo
Betrayal (World Pictures)	Little Carnegie
Harvest (French Cinema Corporation)	World
A Brivelle der Mamen (Sphinx Films)	Belmont
Mademoiselle Ma Mere (J. H. Hoffberg)	55th St. Playhouse

FUTURE OPENINGS

Honeymoon in Bali (Paramount Pictures)—Sept. 20	Paramount
Two Bright Boys (Universal Pictures)—Sept. 20	Rialto
The Women (Metro-Goldwyn-Mayer)—Sept. 21	Capitol
The Man They Couldn't Hang (Columbia Pictures)—Sept. 21	Criterion
Scipio Africanus (Esperia Film Distributing Co.)—Sept. 21	Cinecitta
Nurse Edith Cavell (RKO Radio Pictures-Wilcox)—Sept. 21	Music Hall
Espionage Agent (Warner Bros. Pictures)—Sept. 22	Strand
Stunt Pilot (Monogram Pictures)—Sept. 22 (a)	Central
Riders of Black River (Columbia Pictures)—Sept. 22 (a)	Central
Jamaica Inn (Paramount Pictures) (c)	Rivoli
Conflict (Trans-Atlantic Films) (c)	Little Carnegie
Hotel for Women (20th Century-Fox)—Sept. 21 (a-b)	Palace
Quick Millions (20th Century-Fox)—Sept. 21 (a)	Palace

(a) Dual bill. (b) Subsequent run. (c) Follows current bill. (d) Revival.

Warners Set 3 for October and Two for Nov. Showings

Warners national release schedule for October and November has been revised as follows:

Oct. 7—"Espionage Agent," starring Joel McCrea with Brenda Marshall and Jeffrey Lynn. Oct. 21—"Pride of the Blue Grass," featuring Edith Fellows and Gentry, famous blind jumping horse. Oct. 28—"The Roaring Twenties," starring James Cagney with Priscilla Lane. Nov. 11—"Private Lives of Elizabeth and Essex," co-starring Bette Davis and Errol Flynn. Nov. 25—"On Your Toes," starring Zorina with Eddie Albert.

Warners' Australasian Convention Opens Today

Warners annual Australasian convention opens today in Sydney with managers throughout the territory attending. Ralph Clark, Australian manager for the company who recently returned to Sydney after a New York visit, will preside. Sales policies and new product will be outlined at the huddles which are expected to last about a week.

Dallas Variety Club's Fall Tourney on Oct. 16

Dallas — The Variety Club will stage its Fall golf tournament on Oct. 16, at Lakewood Country Club. This will be the Monday following the Texas-Oklahoma football game, which usually brings large numbers of showmen from all parts of the Southwest.

Briefs Due By Tomorrow In Trampe's Bingo Suit

Milwaukee, Wis.—The action of Charles W. Trampe, head of the Monogram-Midwest Film Exchange here, against the Bahn Frei hall to restrain the playing of Bingo at the hall, has been taken under advisement by Circuit Judge Charles L. Aarons and counsel have been instructed to file briefs by tomorrow.

Tobias Will Distribute Keeno-Quiz, New Game

Lester Tobias has acquired Keeno-Quiz, a new theater game, for distribution in the U. S. and Canada. Game is a series of motion pictures combining some of the rules of Keeno and the current quiz rage. It has had a reportedly successful test run in several eastern Warner Bros. houses. Keeno-Quiz is reported to have been declared legal and not a lottery.

Illinois IATSE to Convene Today; Chi. Men to Attend

Chicago—Most of Chicago's film executives are expected to attend the Illinois IATSE meeting which is scheduled to be held today in Springfield. It is reported that many important problems have been slated to be placed before the convention. Frank Olson, state chairman, will preside.

Varinghaus Named Booker

Detroit—Joe Varinghaus, Warner poster clerk, has been made booker, succeeding Joe Tracy, resigned. Jim MacKay is new poster clerk.

COMING AND GOING

RUSSELL MUTH, European director of Movie-tone News, and BONNEY POWELL, ace Movie-tone cameraman, sail for Europe this week.

WILLIAM SUSSMAN, Eastern division manager for 20th-Fox, is in Cincinnati today for a Ken Drive meeting.

MARY PICKFORD has returned to New York and is at the Sherry Netherland.

HARVEY DAY, business manager for Paul Terry, has returned to New York after a mid-Western tour.

P. C. SCHRAM, Kalamazoo exhib., is in New York for a visit.

M. B. SILBERBERG has returned to the Coast.

BORIS MORROS is at the Sherry Netherland.

H. EMERSON YORKE, producer, has returned to New York after a swing through New England in the interests of a new film he recently completed.

ANNABELLA is expected to arrive here tomorrow on the Clipper.

W. C. GEHRING, Central division manager for 20th-Fox, has returned to the home office after a swing through the Midwest.

GEORGE H. NICOLAI, Brooklyn showman, has returned from a lengthy stay in Florida.

MARC CONNELLY returns here from Hollywood about October 10.

JACK YELLEN has returned to the Coast after a vacation here.

ERROL FLYNN leaves for Hollywood tomorrow.

FRED CARR, Oklahoma exhib., DAVE WALLERSTEIN, Chicago exhib., J. M. GORDON, general manager of the Jefferson Amusement Co., Texas, S. L. OAKLEY, Jefferson Amusement Co. district manager, and TERESA TUASON, Manila exhib., were visitors at the Paramount World's Fair lounge last week.

A. A. SCHUBART, manager of exchange operations for RKO, has returned to the home office after a business trip to Montreal, Toronto and Buffalo.

MARTIN L. JUNK, Frankfort Theater, Frankfort, Ohio; M. M. FIELDMAN, Langley Theater, Chicago; NIKITAS DIPSON, Wheeling and Buffalo Theaters, Batavia, N. Y.; NICHOLAS J. BASIL, Basil Bros. Theaters, Buffalo, were among week-end callers at RKO's exhibitors' lounge.

Sophie Tucker Joining AGVA

Any possibility of further disputes between the AAAA and the American Federation of Actors was apparently dispelled at the week-end when it was learned that Sophie Tucker, AFA prexy, planned to join the American Guild of Variety Artists, 4 A organization for the variety field. It was also reported that the AFA would confine its activities to the circus and carnival field which would in no way conflict with 4 A jurisdiction.

Enjoins Milford Drive-In

Milford, Conn.—Deciding for the 12 Milford residents in their complaint against the 800-car Milford Drive-In Theater, Judge P. B. O'Sullivan of the Superior Court has granted an injunction, restraining the operation of the theater.

A young man who wants more than anything else to make pictures, is anxious for more production experience and will work hard at a modest salary for it. Well educated, with general experience as script-writer, cutter and assistant cameraman. He is seeking placement in any capacity with a producing organization. Write Box 1345

THE FILM DAILY

1501 Broadway New York City

SEE "TREATY" ENDING UNION TELE RIVALRY

(Continued from Page 1)

was in abeyance during the AAAA-IATSE jurisdictional dispute.

Developments which may hasten organization of the tele field are agreements calling for closed co-operation between Equity and the American Federation of Musicians and also with the IATSE and with Equity's affiliates.

Equity sees the working agreement with the AFM as an aid in negotiating with television stations. The bitterness engendered between Equity, the AFRA and the SAG by Equity's assuming of control of the tele field may fade out in view of the closer relations of the three unions, with a possibility that the "treaty" may result in the theatrical unions sharing the tele field.

Amusement Stocks on Big Board in Three-Day Climb

(Continued from Page 1)

stock on Wednesday showed a decline from Tuesday's close; two that were traded in were unchanged; all others closed at an advance of from one-half point to five points.

On Thursday every stock on the big board was traded in, and again with but one minus sign and two unchanged; all others advancing from one-quarter to six and one-half points.

On Friday all stocks save four were traded in, with four unchanged from the previous day's closing. All other stock showed gains for the day of from one-quarter to two and one-quarter points.

ITO of Ohio Joins Fight on Old Age Pension Plan

(Continued from Page 1)

to fight the Bigelow constitutional amendments. These amendments would provide for a \$50 to \$80 old-age pension system for all persons over 60 years of age, and would also lower the standards for submission of constitutional amendments and to initiate legislation.



Best wishes from THE FILM DAILY
to the following on their birthdays:

SEPTEMBER 18

Greta Garbo

C. Gardner Sullivan

Charles Gribbon

ALONG THE



WITH PHIL M. DALY

● ● ● OUT OF Cleveland.....by way of that town's institutional newspaper.....The Plain Dealer.....comes some literal "plain dealing".....under the by-line of its cinema critic and commentator..... W. Ward Marsh.....who recently journeyed to Hollywood for a visit after an absence of two years from the pix capital.....Says Marse Marsh:....."I really believe that most of Hollywood's severer critics should change their tune.....Without doubt I will find fault with Hollywood in the future.....faults as I see them.....but the constant carper needs only a couple of trips to Hollywood.....to show him that there must be something quite rightly 'wrong'.....with a place and its institutions when.....in spite of censorship, threatened Federal investigations, and 'rotten pictures'.....so much money can be made that more sound stages are needed.....on practically every lot'.....

● ● ● FURTHER, Marse Marsh pens the view.....that Hollywood sends out most of its own bad news.....and does make far too many poor pictures.....He says he is half convinced that it makes a good many of its bad pix purposefully.....attributing this to necessity of meeting the duals demand....."but rarely is there a loss on a bad, cheap picture".....the financial "cuffings" coming on the super-specials which flop on the exhibition mart and adds that if more care were taken with "B" pix..... even more revenue would accrue to Hollywood.....

● ● ● BETWEEN the lines.....one is convinced that the Marsh thesis.....is Hollywood's freedom from blame for making money in a money-making business....."Hollywood must have been right..... a good deal more often than most of us have felt it has been..... and that criticism of Hollywood as a whole has been wrong".....He terminates his observations by saying....."Sin nor idiocy have never paid dividends.....Sin is no greater in Hollywood than it is elsewhere.....and I have a feeling that new sound stages, new administration buildings, new writers' quarters, a growing respect for publicity departments.....are rooted much more deeply in good work than in mere blind, foolhardy luck".....

● ● ● FLUTTERING through the city yes'day was ZaSu Pitts.....prominently roled in "Nurse Edith Cavell".....which hatches out Thursday.....at Mr. Van Schmus' intimate Little Radio City Music Hall.....The Pitts' frantic flutter to keep interview and biz appointments.....didn't prevent her fling at the newly-installed miniature bowling alley.....and shuffle-board game.....which H. M. Richey has installed in RKO Radio's exhibitors' lounge.....as a pastime for visiting showmen.....

● ● ● DOWN Dallas way.....Charlie Meeker, publicity director of Interstate's nabe stands.....has launched "Smile Week".....the gag being that admish will be refunded to any patron.....who is not greeted with a smile.....Timing of the stunt was purely accidental for when Charlie concocted it.....there were no war-frowns. . .

● ● ● Yep, Attorney General Frank Murphy has moved voco-visually into the local Strand.....The astute WB boys run a newsreel clip of the recent Murphy speech on espionage.....presenting it as an additional trailer.....to plug company's "Espionage Agent".....opening at the house Sept. 23. . . ● A nice clean item of news hereabouts.....is that J. Sidney Grill.....former manager of Randforce houses.....has initiated White Plains Theatrical Cleaners.....on Furman Ave., Bronx.

SAYS PUBLIC PREFERS PIX TO NEWS OF WAR

(Continued from Page 1)

international hostility, Silverstone said:

"Motion pictures are a basic industry. Like any of the public utilities—like transportation and communication and power—motion pictures are a vital adjunct of everyday living. Indeed, they have become almost as important as the basic necessities of food, clothing and shelter.

"Recent events have proved to us that there are no conditions so forbidding as to keep people from going to motion picture theaters. We have all heard how, in the midst of attack and bombardment, theaters remained open and screen entertainment was enjoyed.

"One of the facts learned in the past two or three weeks is that the reception of news of the war is a much more cumbersome thing than was first thought. The 'flash' items, the 'stop-press' bulletins, are fewer and further between than they were just before hostilities began. It is no longer like listening to the broadcast of a prize fight with decisions of victory or defeat coming every few minutes. The armies are moving slowly, the decisive military and diplomatic acts have lost their volatile nature. The audience, for a war of attrition, is extremely small. It no longer keeps glued to the radio.

"Whatever the developments, whatever the results of the present situation, we also know that propaganda will play an ever-increasingly important role. Motion pictures must take their place in such a setup, but their propaganda value will remain on a high plane. The contribution of the motion pictures will be a propaganda of the spirit, a propaganda of morale. The fact is that there is nothing in our present civilization that can and has brought people together, at least temporarily, more effectively than the screen. The individual sitting in a theater reacts to what he sees in pictures very much as his neighbor does."

WEDDING BELLS

New Orleans — Film Row's last citadel of managerial bachelorhood struck its colors last week as Paramount's exchange manager Jack Price returned to New Orleans with a bride, the former Iris Louise Royal of Jacksonville, Fla.

Baltimore—Aaron Coplan, owner of the Fremont and Booker T and part owner of the Monroe, was married here to Mrs. Selma Levine.

Baltimore — Marriage of Helen Keenan, cashier at the Lord Calvert, and Linwood Cavey took place here Friday. They are honeymooning in New York.

« « « » » »

VAUDEVILLE UPTURN SEEN THIS SEASON

(Continued from Page 1)

spurt, but that this year definite signs of a strong vaudeville comeback are apparent.

From various parts of the country come reports that theaters, large and small, are inaugurating stage show policies on the week-ends and in many cases are extending the vaudeville days to include the greater part of the week. RKO is reinstating stage shows in all situations where it was the policy last season. The Comerford circuit is using vaude in 15 houses, while the Brandts launched a big-name stage show at their New York Audubon on Friday.

Approximately 50 theaters in the Midwest and East will use unit shows from the Mutual Booking Offices which has six shows ready for the road on a 20-week basis. Between 15 and 25 vaude unit shows are being booked out of Chicago.

Vaude as Duals Alternative

Detroit — Trend toward stage shows as an alternative to dual bills is increasingly evident in this territory as exhibs. tackle the war problem. Two Canadian theaters are adopting stage shows booked through the Gus Sun Office in Detroit—the Strand at Kirkland Lake, and the Strand at Timmins, Ont.

In Detroit, the Colonial went to vaudeville on a three-split policy, yesterday. Present three-act vaudeville bills are being stepped up to five acts, Oct. 1, by the Ward Circuit's Broadway at Mount Pleasant; and three Cassidy houses—the Frolic at Midland, Strand at Alma, and Michigan at Saginaw.

Associated Theaters is reviving stage shows about Oct. 10 at the Wyandotte at Wyandotte, and the Rialto at Flint. All above bookings, except the Canadian, are through the Sol Berns office.

First Vaude In 10 Years

Holyoke, Mass.—The Victory Theater, under a change of policy, will offer six acts of vaudeville on Tuesdays, Wednesdays and Thursdays of each week, along with a feature picture and shorts. George Laby, manager, stated that the policy will be permanent if it clicks. This town has had no vaudeville in 10 years.

Extends Vaudeville Policy

Elizabeth, N. J.—Manager George Nicolls of the Liberty reports such success with week-end vaudeville that he has decided to extend the policy to Friday nights and to add Saturday matinees.

Resuming Vaude In Utica

Utica, N. Y.—Success of vaudeville at the Colonial here last season has resulted in the decision to resume the policy for the present season, Manager George Seed an-

A "Little" from "Lots"

By RALPH WILK

HOLLYWOOD

Fitch Stories as Series

GEORGE FITCH'S tales of good, old Siwash, mythical freshwater college, may serve Paramount as a series. At any rate, two pix with a Siwash setting are definite, and there may be more. William Holden will play Petie, stellar role.

"Clara Barton" as Featurette

Warners are preparing to produce "Clara Barton and the Red Cross," historical featurette, owing to its timely character. Picture will be made in Technicolor and will be supervised by Gordon Hollingshead. Production begins early in October. Warners also are planning a series of short films based on Booth Tarkington's character, Penrod.

Metro Starts Two Today

Two pictures, "Nick Carter," and "The Secret of Dr. Kildare," will go into production Monday at Metro. Walter Pidgeon fills the title role in "Nick Carter," with Rita Johnson in the principal femme part. Jacques Tourneur is the director, Lucien Hubbard the producer. Story is based on the old time detective series to which M-G-M recently acquired complete film rights.

"The Secret of Dr. Kildare" is the

"Old Time Movies" at Two WB Theaters in New Jersey

Presentation of "old time movies" is being inaugurated in Warner Bros. theaters in Jersey City and Bayonne, N. J., as part of the industry's 50th anniversary. Unit shows, including melodramas and comedies made in the early days of the business, are being presented at the Ritz, Jersey City, and the Strand, Bayonne. Programs are being furnished by the Stone Film Library.

PDC Exchange for O. C.?

Oklahoma City—Though no definite arrangements have as yet been made, it is understood that Producers Distributing Corp. will establish an exchange here within the next two weeks.

nounced. An amateur contest will be held in conjunction with the shows.

Vaude at Portland, Ore.

Portland, Ore. — The Orpheum, has been opened here by Sterling Theaters and is presenting six acts of vaudeville, a 10-piece band and two features.

Lincoln House Tests Vaude

Lincoln, Neb. — The Varsity will sound out local reaction to stage shows with vaudeville this week. If it clicks, it stays.

third production in the group of stories dealing with the adventures of a young physician. Leading roles, again will be played by Lew Ayres and Lionel Barrymore. Harold Bucquet is director.

Join "Blue Bird" Cast

Cecilia Loftus and Al Shean have been chosen for the roles of Granny and Granpa Tyl in 20th-Fox's Technicolor production of Maeterlinck's "The Blue Bird," starring Shirley Temple.

Wanger Signs Werner Janssen

Werner Janssen has been signed to create and direct the musical score for Walter Wanger's "Send Another Coffin."

In "Call on the President"

Ann Sothern and William Gargan will portray the famous Damon Runyon characters of Ethel and Joe Turp in Metro's "A Call on the President." Walter Brennan will have the part of the mailman, and Tom Neal will be seen as the son of Kitty, played by Marsha Hunt, whose role carries her from girlhood to middle age. Robert Sinclair is to direct the picture, while Edgar Selwyn is producer.

31 Minn. and Wis. Houses Using Books as Premiums

Minneapolis — Thirty-one theaters in Minnesota and Wisconsin have joined in a co-operative movement to stimulate business via Book Nights.

Under the premium plan, a Book-Night certificate is given to a patron attending the evening shows and paying an adult admission. Two certificates and 15c in cash, advertised as a handling charge, entitles the patron to one volume of the "Standard American Encyclopedia." Deluxe edition costs a quarter more.

A new volume will be released each week until 15 volumes have been thus offered to the public. Some of the theaters are running the Book Nights once and others twice a week.

The following theaters, mostly nabes in the Twin Cities, are: Avalon, Boulevard, Camden, Campus, Edina, Falls, Hollywood, Leola, Nile, Paradise, Ritz and Varsity in Minneapolis; the Astor, Beaux Arts, Dale, Faust, Mohawk and Randolph in St. Paul, are participating in the plan.

Out of town theaters participating are: Robin, Robbinsdale; Avalon, White Bear Lake; Green, Anoka; Hudson, Hudson, Wis.; Lake, Excelsior; Metro, Red Wing; Mound, Mound; Gem, Cornell, Wis.; Stanley, Stanley, Wis.; Spanish Garden, Osceola, Wis.; State, Owatonna; Waverly, Waverly, and Wayzata, Wayzata.

WOULD LIMIT GOV'T ON INTERROGATORIES

(Continued from Page 1)

tion may be instituted by the defendants to gain alleviation.

Also on Friday, Federal Judge John C. Knox filed a memorandum in the local Federal Court on the Government's application for a preference date on Nov. 1 for start of the trial. In the memorandum he postponed a ruling until the matter of the 68 interrogatories is settled. The Knox memorandum was regarded in industry legal circles as a victory for the majors.

Judge Knox said: "In view of the comprehensive scope of the interrogatories... I think it advisable not to set a date for the beginning of the trial until I can be informed as to when the answers to the inter-

That the D of J's anti-trust division in the Southern District, New York, may undergo what amounts to a discontinuance of the present setup, was rumored on the week-end. Reports, persistent but lacking confirmation, were to the effect that present personnel of the anti-trust division locally would be distributed among various sections of the country, and that all further litigation which the anti-trust division would normally handle, including the current equity suit of the Government against the majors, would be assumed by the office of John T. Cahill, U. S. attorney for the Southern District, New York. How such a step would affect the action against the majors is purely speculative.

rogatories can be given to complainants, and of the necessities of defendants as regards their further preparation for trial. When I can be so informed, let the counsel for the parties again appear before me."

Check-up on the week-end revealed that (1) the D of J privately admits that the defendant companies cannot answer the interrogatories by Oct. 7, which is the date set for answering; (2) the Government has actually abandoned in its own mind that trial can commence Nov. 1 because of anticipated intervening legal steps by the defense; (3) the defendants are aiming at the objective of letting the case come up in its so-called regular course, and (4) such regular course would mean no trial before next February at the earliest.

Acquires Two French Pix

The French Cinema Center, Inc. has acquired for distribution in the United States two new French films; "Aux Jardins de Murcie," starring Juanita Montenegro (production of which was completed on location in Spain just two days before the civil war broke out); and "L'Or Dans la Montagne," starring Jean-Louis Barrault, Suzy Prim, Alerme, and Edouarde Delmonte, filmed in Switzerland.

W. L. Peabody Dead

Chicago — W. L. Peabody, 66, chairman of the board of the Ansell Simplex Ticket Co., is dead. Body was shipped to El Paso, Tex., for burial.



**THEY'VE MOVED
THANKSGIVING
AGAIN!**

it starts right now!

M-G-M's
THANKSGIVING
MENU

Now Being Served

THE WOMEN
BABES IN ARMS
BLACKMAIL
THUNDER AFLOAT
DANCING CO-ED
NINOTCHKA

**THE TALK OF THE
INDUSTRY! PREVIEWED
AND READY FOR S.R.O.!**

THE **FIXED** DAILY
YEAR BOOK
1939

1939-40
INTERNATIONAL
MOTION
PICTURE
ALMANAC

TWENTY-FIRST
EDITION



NORMA SHEARER • JOAN CRAWFORD • Rosalind Russell in "THE WOMEN" with Mary Boland Paulette Goddard • Phyllis Povah Joan Fontaine • Virginia Weidler Lucile Watson • From the Play by Clare Boothe • By Arrangement with Max Gordon Plays and Pictures Corporation • Screen Play by Anita Loos and Jane Muffin • Directed by George Cukor • Produced by Hunt Stromberg.

A Metro-Goldwyn-Mayer Picture

MICKEY ROONEY & JUDY GARLAND in "BABES IN ARMS" with Charles Winninger • Guy Kibbee • June Preisser • Grace Hayes • Betty Jaynes • Douglas McPhail • Rand Brooks • Leni Lynn • John Sheffield Screen Play by Jack McGowan and Kay Van Riper • Based on the Play by Richard Rodgers and Lorenz Hart • Directed by Busby Berkeley Produced by Arthur Freed.

A Metro-Goldwyn-Mayer Picture

EDWARD G. ROBINSON in "BLACK-MAIL" with Ruth Hussey • Gene Lockhart • Bobs Watson • Screen Play by David Hertz and William Ludwig • Directed by H. C. Potter Produced by John W. Considine, Jr.

A Metro-Goldwyn-Mayer Picture

WALLACE BEERY in "THUNDER AFLOAT" with Chester Morris Virginia Grey • Screen Play by Wells Root and Commander Harvey Haislip Directed by George B. Seitz • Produced by J. Walter Ruben.

A Metro-Goldwyn-Mayer Picture

"DANCING CO-ED" with Lana Turner • Richard Carlson • Artie Shaw and his Band • Ann Rutherford Lee Bowman • Thurston Hall • Leon Errol • Directed by S. Sylvan Simon Produced by Edgar Selwyn.

A Metro-Goldwyn-Mayer Picture

GRETA GARBO in "NINOTCHKA" with Melvyn Douglas • Ina Claire An Ernst Lubitsch Production • Directed by Ernst Lubitsch • Produced by Sidney Franklin.

A Metro-Goldwyn-Mayer Picture

"Look ahead Mister Exhibitor! M-G-M is writing the history of '39-'40!"

Never before has any company (including M-G-M!) started a season with such a barrage of established hits!

(more next page)



FRONT PAGE NEWS



It's so BIG they put it on Page One and here's what they say:

"Roll out the barrel the world's been singing about, Showmen, and get ready to need it to hold the money when the first houseful in to see 'The Women' get to a phone to tell their friends the news . . . THE WOMEN is one of those terrific box-office attractions." —**MOTION PICTURE DAILY**

"THE WOMEN's success is a foregone conclusion. Superlatives are in order. Audiences may be expected to turn out in droves." —**BOX OFFICE MAGAZINE**

"THE WOMEN is one of the smash hits of the season. Extended runs, hold-overs and top-grosses will be the rule." —**VARIETY**

"THE WOMEN is the hottest box-office attraction of 1939 . . . a self-selling, gate-building morsel spiced to the palate of any and all comers." —**MOTION PICTURE HERALD**

"THE WOMEN solid triumph with top box-office punch . . . M-G-M has a top hit! Boys and girls, here is one that should break records." —**HOLLYWOOD REPORTER**

"THE WOMEN is sure-fire screen fare."

—**FILM DAILY**

"THE WOMEN is for the women, and that means that they'll drag the men with them."

—SHOWMEN'S TRADE REVIEW

"THE WOMEN is a solid smash hit."

—Ed Sullivan, **DAILY NEWS**

Column Syndicated Nationwide

"THE WOMEN is a bold, glittering and enormously funny film. I urge you to run to it the moment it is exhibited in your part of the country."

—Beau Broadway, **MORNING TELEGRAPH**



This bath-tub scene is not the one in "The Women."

Oh boy! we're
HOLDING
"THE WOMEN"
FOR ANOTHER RECORD WEEK!

Here's why! It's M-G-M's screen version of the play that shocked and thrilled all New York! It's the picture that has made the whole town gay with laughter... it's the picture that gives you, a peek into beary parlors and boudoirs, Park Avenue homes and Reno stop-overs... the picture that tells and tells and tells! And it's all good fun!

NORMA SHEARER · JOAN CRAWFORD · ROSALIND RUSSELL
(The perfect Fashion Parade of America)
The Women
(AND IT'S ALL ABOUT MEN!)

with MARY BOLAND · PAULETTE GODDARD · PHYLLIS POVAN · JOAN FONTAINE
VIRGINIA WEIDLER · LUCILE WATSON · From the Play by CLARE BOOTHE

By Arrangement with MAX GORDON PLAYS & PICTURES CORP. · Screen Play by ANITA LOOS and JANE MURFIN
Directed by GEORGE CUKOR
Produced by HUNT STROMBERG
An M-G-M Picture

Get ready for
Extended Runs!

"THE WOMEN has all the elements of a smash success. Absorbing entertainment, exciting, provocative and pictorially decorative. The season's stand-out offering."

—**DAILY VARIETY**

"THE WOMEN is not only adult, but extremely sophisticated."

—Louella Parsons, **LOS ANGELES EXAMINER**

"THE WOMEN will certainly bowl over the matinee trade, and go quite a bit beyond that."

—Edwin Shallert, **LOS ANGELES TIMES**

"THE WOMEN is going to be one of the smash hits of the year."

—Harrison Carroll,

LOS ANGELES EVENING HERALD AND EXPRESS

AND NOW THE HEADLINES BEGIN!

(Just the first few, as we go to press, from VARIETY):

**Women' \$16,000
Paces OK Cincy;**
Cincinnati, Sept. 5.
European war chill was overcome by holiday-padded weekend and cinema trade currently is okay. Ace b.o. lure this week is 'Women,' which is attracting a swell Albee figure.
Albee (RKO) (\$3,000; 35-42)—'Women' (M-G). Very big \$16,000.

Women' Sweet \$34,000, 2 L. A. Spots;
Los Angeles, Sept. 5.
Metro's 'The Women' topping the town, playing day and date at Loew's State and Grauman's Chinese. Film grabbed a sweet \$31,000 on the current week, plus around \$3,000 extra at a preem performance at the Chinese.
Metro's 'The Women' topping the town, playing day and date at Loew's State and Grauman's Chinese. Film grabbed a sweet \$31,000 on the current week, plus around \$3,000 extra at a preem performance at the Chinese.

Women' 19G in Uneasy Pitt.
Penn (Loew's-UA) (3,500; 25-35-50)—'Women' (M-G). Powerhouse newspaper campaign plus big word-of-mouth will shoot this out in front for big \$19,000. Will hold for another week.

FLASH! "THE WOMEN" S.R.O.!

Watch those dames bring in the dough!

Start '39-'40 with "The Women" and get the hit habit early. Eyes on Leo! Keep going!

WRITE THIS DOWN!

BECAUSE of our own sincere belief after having previewed "Babes In Arms" in several widely different theatres--

BECAUSE of the hysterical enthusiasm of the audiences in each instance—

BECAUSE of the grape-vine comments already started by the newspaper representatives and columnists of Hollywood—



WORD OF MOUTH
IS MAKING IT
FAMOUS ALREADY!

We Predict:

"BABES IN ARMS" WILL

MICKEY ROONEY & JUDY GARLAND
in "BABES IN ARMS" with Charles
Wininger • Guy Kibbee • June
Preisser • Grace Hayes • Betty
Jaynes • Douglas McPhail • Rand
Brooks • Leni Lynn • John Sheffield
Screen Play by Jack McGowan and
Kay Van Riper • Based on the Play
by Richard Rodgers and Lorenz
Hart • Directed by Busby Berkeley
Produced by Arthur Freed.
A Metro-Goldwyn-Mayer Picture

MICKEY
ROONEY
JUDY
GARLAND

and hundreds of entertainers
in the gala musical comedy
stage hit, the most discussed
film of the new season:



// **BABES**
IN ARMS //

MAKE SCREEN HISTORY"

You'll predict it too! There's another Babe in Arms on next page!



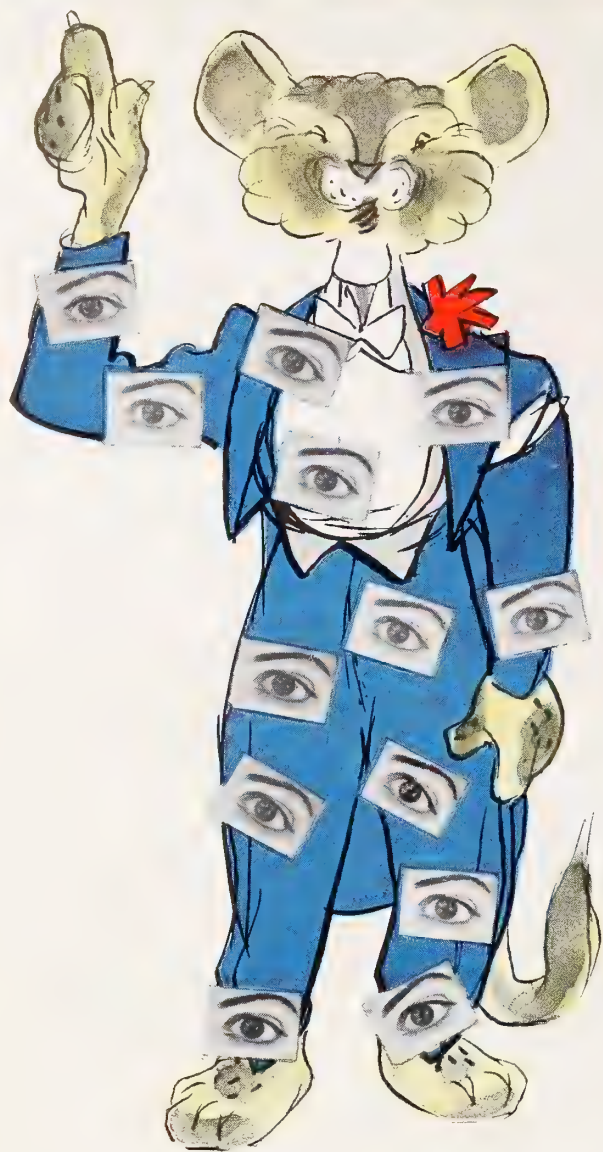
**"DID PAPA SIGN
HIS M-G-M
CONTRACT YET?"**



"YES, PAPA SIGNED HIS M-G-M CONTRACT!"

He believes in security. He knows that grade "A" pictures mean grade "A" milk for baby and new furs for Mama. He knows that year after year, when all is said and done, there's just one safe bet for the family, **The Friendly Company!**

(More wonderful news follows:)



"EYES ON LEO"

Last year **M-G-M** serviced the largest number of theatres and had the largest number of accounts in its entire history! To them we say: "Your faith and loyalty

is reflected in **M-G-M's** remarkable new product!" **M-G-M's** Fall line-up is literally The Talk of the Industry. While "The Wizard of Oz" continues to set new marks in extended-runs and while the life-saving Summer hits of **M-G-M** are still fresh in memory: "Andy Hardy Gets Spring Fever", "Goodbye Mr. Chips", "Lady Of The Tropics" etc. etc., the season '39-'40 begins triumphantly! "**The Women**" and "**Babes In Arms**" are already celebrated on every Film Row! Also previewed and acclaimed are the four great attractions shown on the next page.

GARBO laughs in "NINOTCHKA"

(don't pronounce it—see it!)



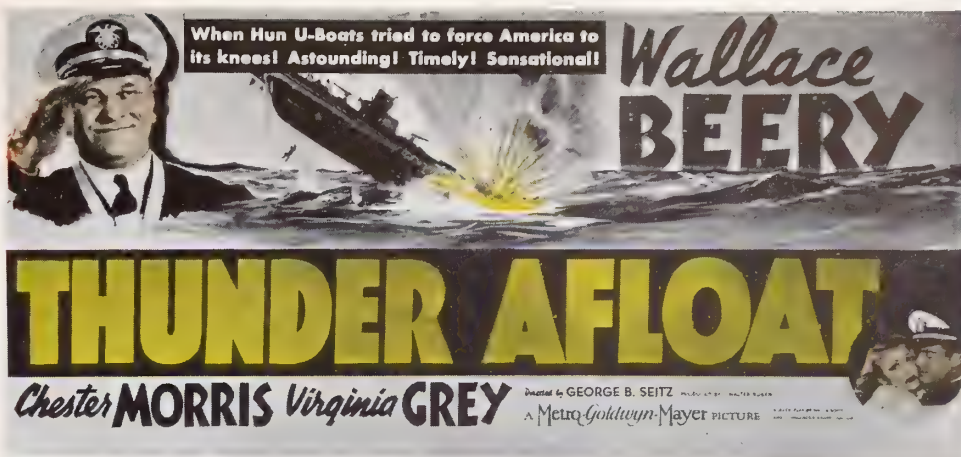
with

**MELVYN DOUGLAS
INA CLAIRE**

An ERNST LUBITSCH Production

Garbo laughs! Garbo loves! Garbo in
a gay comedy of OO-la-la Paree! Slyly
Directed by Famed Ernst Lubitsch!

Produced by Sidney Franklin



(continued)

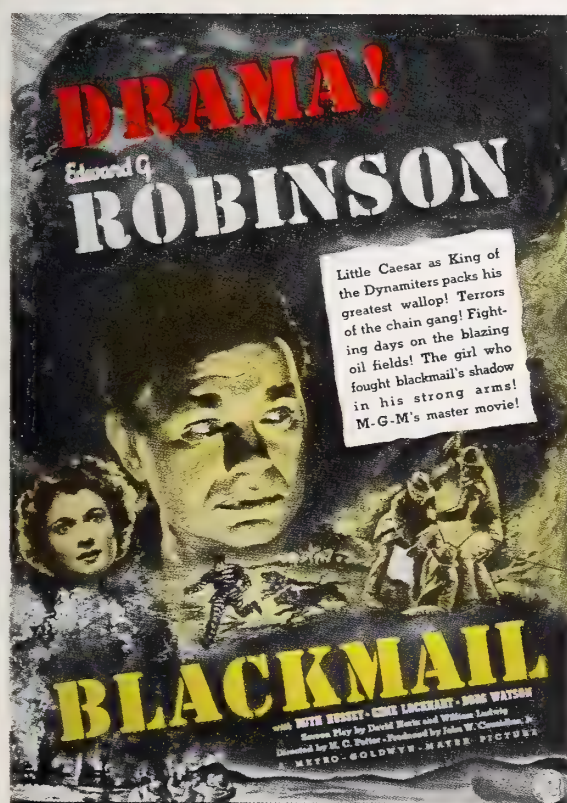
Many others near completion
and the advance tip-off is:

"More Big Ones on the way!"

M-G-M is racing far ahead of
the field!

There's no comparison—and
remember this is just the
beginning! Just Sept. and Oct.!

Eyes on Leo!



(next page please)



THEME SONG

FOR

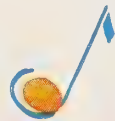
1939-1940



all together now:

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999



**"METRO-GOLDWYN-MAYER'S
THE ANSWER TO YOUR PRAYERS"**



9

PICTURE GROSSES RISE IN BROADWAY HOUSES

(Continued from Page 1)

"The Real Glory," was using extra midnight shows to handle the crowds. Roxv, with "The Rains Came" starting its second week, was running even with the first week's record-breaking attendance and a total of over 200,000 paid admissions was recorded for the first 10 days.

The Paramount continued well over average business with "The Star Maker" in its third week and "The Old Maid," at the Strand, showed remarkable strength in its sixth week. "Golden Boy" at the Music Hall did such strong business during the past four days that it was reported it may be held over a third week.

Other New York houses surveyed reflected the upturn in box office receipts reporting well over average business.

In seven pre-release engagements "The Rains Came," new 20th-Fox release, has almost hit the all-time records set by "Alexander," and in one situation is topped the latter picture, it was learned at the week-end. At the Roxy it went over 150,000 admissions in the first week and over 200,000 for the first 10 days.

Polio Rather Than War Worries Detroit Exhibs

Detroit — Detroit show business has been hit worse by threatened polio epidemic than by war conditions, aside from the first few days of scare broadcasts when Detroiters stayed pretty close to their radios. Local schools are being kept closed an extra two weeks by the epidemic, and the attendant publicity has seriously cut juvenile attendance at theaters.

Exhibitors are looking forward to practically no business on Wednesday night when Joe Louis fights Bob Pastor here, and some have even discussed closing for the evening.

Mrs. Ziff-Marks Expands

Toronto—At a cost of \$75,000, Mrs. Lillian Ziff-Marks, owner of the Bellard Theater, Fort Erie, Ont., will build another theater opposite the Buffalo and Fort Erie ferry landing, in Ontario. Mrs. Ziff-Marks also has bought the Elmwood Theater in London, Ont.

Import Troubles

Newark, N. J.—The Little, downtown house specializing in imports, is having its troubles. Russian films have had to be added to the taboo list. An agent who went to Poland for 13 films managed to get out with three. Another agent with Polish films is being detained on Ellis Island. And even if he is released, there is question whether the films will be allowed in.

THE WEEK IN REVIEW

War Not to Curtail U. S. Prod.—English, French Theaters Reopen

(Continued from Page 1)

at its Virginia meeting, Oct. 23-24.

ON THE LABOR FRONT: Frontal attack on the IATSE position in the amusement field was made by the CIO when it chartered the United Theater and Motion Picture Employees Union, giving it jurisdiction over operators, stagehands, ushers, doormen, porters and cashiers. As the week advanced, strength appeared to be near at hand for the CIO "invasion" by action of the executive council of the American Federation of Actors (previously suspended by the AAAA, chartered by the IATSE and then abandoned by the latter) in refusing to be dissolved: CIO seems to be the only place where the AFA can go. The AAAA, in an effort to clear up jurisdictional jumbles in the future and to cement its hold on actors, was reported at mid-week working on a "one card, one dues" union plan to be presented to the membership within two weeks.

GOVERNMENT AND COURTS: Defendants in the Chicago contempt case lost their motion to dismiss the case. Ditto, the defense in the Quemos (Newark, N. J.) Theater Co.'s \$3,525,000 anti-trust damage suit. Distributor defendants in the Government's New York equity suit appeared by their counsel before Federal Judge John C. Knox asking him to defer action on the D of J's application for a preferential trial until the Court has decided what interrogatories the defendants must answer and the date for answering them. The D of J moved to enjoin contemplated expansion of the Schine circuit against which it has a monopoly suit pending. Thursday was named as the date at which the alleged \$100,000 gift to William Bioff, IATSE representative, and the merger of Twentieth Century Pictures with the Fox Film Corp. would be presented to a Los Angeles Federal grand jury.

Dominion Alone Can Halt N. S. Games, Theater Holds

Halifax, N. S.—Elimination of theater games in Nova Scotia can only be accomplished by the Dominion government, management of the King's Theater at Annapolis Royal has successfully contended.

Nova Scotia Service Council attempted to force prosecution of the theater by the Town Council on the ground that its use of Banko was illegal. The theater countered with the claim that its Dominion charter made such action impossible, and warned that if prosecution was instituted, the town and councillors both faced the threat of damage suits.

FINANCIAL: Universal reported a 39-week net of \$989,995.21 before payment of federal income taxes. Broadway theater grosses maintained high levels hit the previous week. Amusement stocks, after an initial drop, perked up as the week advanced, a few stocks gaining four to six points.

FOREIGN

CLOSED THEATERS REOPEN: England, which began reopening its war-closed theaters in "safe" areas at the previous week-end, had by mid-week, reopened 3,000 more houses, with biz reported good. By Friday, the situation in Great Britain was approaching normalcy, 2,000 more theaters having reopened. A 6 p.m. curfew was fixed for London's West End theaters, 10 p.m. for others. In France it was reported that 65 per cent of the film theaters were operating, majority of closed houses being close to the German frontier.

MEXICO'S PIX STAND: Determined to support native Mexican pix industry, the Departamento Central decreed that all pix houses, including the first-runs in Mexico City and all principal cities, should show one Mexican-made film at least once a month.

ON OTHER FRONTS: Paramount agreement with the Franco government of Spain provided for remittances be made to it in dollars. Pix biz in the Dominion of Canada and Australia was expected to boom as a result of the conflict in Europe. A war "casualty" in Britain was television, the BBC announcing cancellation, indefinitely, of programs and experiments. Columbia, in move to stimulate its Latin-American business, decided to hold sales conferences in Havana Sept. 20-22 and in Buenos Aires Oct. 30-Nov. 1.

Two Mexico City Houses Will Add 12,500 Seats

Mexico City—Two theaters, seating 6,000 or more, are under way here. Castro circuit is building the Chino with 6,000 seats as a new first-run house. Granet interests are erecting the Colonial with 6,500 seats for second-runs.

Lichtman Forms New Co.

Richmond, Va.—The State Corporation Commission has issued a charter to Harrison Theater Corp. A. E. Lichtman, of Washington, D. C., listed as president, heads a circuit operating in Virginia, District of Columbia and North Carolina.

DISTRIBS. RECEIVE BERLIN COLLECTIONS

(Continued from Page 1)

Friday received advance payment from its Berlin office for September business, marking the first time this has occurred. While there has been no telephone communication with its Berlin office since the war in Europe started, Paramount has been advised that business there is being carried on as usual.

Paramount, M-G-M and 20th Century-Fox are the only major companies which own their own branches in Germany.

Warner Club Golf Tourney Tomorrow Attracts Execs.

(Continued from Page 1)

attend the tournament, which will offer prizes for longest drive, nearest the pin shots, etc., as well as low gross and low net.

Executives attending the meet will be:

Maj. Albert Warner, Harold Bareford, I. F. Dolid, H. M. Doherty, S. P. Frieman, Jules Girden, John Glynn, Roy Haines, Ed Hinchy, Joseph Hummel, Saul Immerman, Barney Klawans, Stewart McDonald, Karl Macdonald, Norman Moray, T. J. Martin, Frank Phelps, Harry Rosenquest, C. C. Ryan, Harold Rodner, Leonard Schlesinger, Arthur Sachson, Herman Starr, Sam Schneider, Ed Schnitzer, Abel Vigard, Rudy Weiss, Jacob Wilk and Jack Warner, Jr.

Grad Sears will act as master of ceremonies at the dinner to be held in the evening. Jerry Keyser is Chairman of the Golf Committee, which includes Harold Rodner, Gene Werner, Leonard Palumbo and Abe Kronenberg.

F & M Dropping St. Louis Orpheum as Lease Expires

St. Louis—Fanchon & Marco interests will not renew their lease on the 2,000-seat Orpheum Theater which expire Friday.

The Orpheum, which has been dark for some months, is owned by the Southern Real Estate & Finance Company, controlled by the Cella theatrical interests. Annual rental on the house under the four-year lease has been \$35,000.

The Fanchon & Marco interests acquired the Orpheum Theater when they reached a peaceful settlement of their differences with Warners, Paramount and RKO in 1936.

"Harvest" Okayed

"Harvest," French picture being distributed here by the French Cinema Center, was passed Friday by the New York State Board of Regents after previously having been banned by the New York Censor Board. It was reported that no deletions were made.

★ ★ REVIEWS OF THE NEW FILMS ★ ★

"The Day The Bookies Wept"

with Joe Penner, Betty Grable, Tom Kennedy

RKO 64 mins.

HILARIOUS COMEDY WITH JOE PENNER AND A BEER-DRINKING HORSE WILL GET PLENTY OF LAUGHS.

This is about the best vehicle that Joe Penner has had an opportunity to cavort and clown in to date. It should highly amuse the legion of Penner fans and get plenty of laughs from any audience. The cast fits the parts, and the film has been kept moving from start to finish with good timing of the laughs. Penner, a Brooklyn taxi driver who is a pigeon fancier in his spare time, is nominated by his fellow cabbies to train their horse when they decide to pool their resources and enter the racing game instead of losing their dough on bad tips. Penner is tricked into buying a worthless nag called Hiccup. He arrives back in Brooklyn with his horse and the riot is on. Betty Grable, the love of Joe's life and sister of a fellow cabbie, takes care of his pigeons while he installs his horse and himself at the Jamaica race track. However, Hiccup finishes in all his races just about the time for the next race to start and the cabbies get impatient to make their big killing when Hiccup is "ready." Meanwhile, the odds on Hiccup rise steadily each time he runs and the Kentucky Colonel, who sold the nag to Joe, arrives at the track and sees he's entered in a race at 60 to 1. Knowing Hiccup's fondness for alcoholic beverages he sends a keg of beer around to the stable and bets heavily on the horse. Betty arrives and finds the horse is drunk so she takes the two thousand dollar pool the cabbies were going to bet. However, she meets the Colonel and he tells her about Hiccup's peculiarities and she bets the money, with Hiccup delivering the goods by 14 lengths to put the cabbies in the chips. The zany comedy aspects of the story and Penner are a natural combination to exploit.

CAST: Joe Penner, Betty Grable, Tom Kennedy, Richard Lane, Thurston Hall, Bernadene Hayes, Carol Hughes, Jack Arnold.

CREDITS: Producer, Robert Sisk; Director, Leslie Goodwins; Screenplay, Bert Granet and George Jeske; Story, Daniel Fuchs; Cameraman, Jack MacKenzie; Editor, Desmond Marquette.

DIRECTION, Good. **PHOTOGRAPHY,** Good.

Acquires Chaplin Shorts

Sam Rubinstein has acquired 12 Charles Chaplin two-reel comedies which were made by Essanay during the comedian's early career. Rubinstein has set up headquarters at 630 9th Avenue under the name of King of Comedy Corp.

Leitcher Sets "Sudan"

Cleveland—Mitchell Leitcher has closed with Harry A. Lande of the Independent Film Exchange for the distribution of "Sudan" in the Ohio and Kentucky.

"Tropic Fury"

with Richard Arlen, Beverly Roberts, Andy Devine

Universal 62½ mins.

ACTION STORY SET IN THE TROPICS RATES AS POP ENTERTAINMENT.

An unscrupulous rubber baron who has Napoleonic delusions provides the nucleus for this film. It is filled with good old fashioned hokum, but there is plenty of action and the cast is O. K. Beverly Roberts, Richard Arlen, Andy Devine and Lou Merrill handle the principal roles in capable fashion. Arlen, scout for an American rubber company, is about to go into the jungle to seek out a mysterious rubber plantation. He meets Beverly Roberts who also is going into the jungle. Andy Devine, a bartender in the seacoast town where they start their trip, throws in his lot with Arlen after losing his job. In order to get to their destination they sign on as part of a crew of rubber tappers. Merrill, owner of the rubber plantation, rules with an iron hand and trouble ensues as soon as they arrive. Finally, Arlen leads a revolt of the natives and Merrill is killed. Miss Robert's father, who has been Merrill's prisoner, is liberated. It should prove pop entertainment.

CAST: Richard Arlen, Andy Devine, Beverly Roberts, Lou Merrill, Lupita Tovar, Samuel S. Hinds, Charles Trowbridge, Leonard Mudie, Adia Kuznetsoff, Noble Johnson, Frank Mitchell, Milburne Stone.

CREDITS: Producer, Ben Pivar; Director, Christy Cabanne; Screenplay, Michael Simmons; Original Story, Maurice Tombragel and Ben Pivar; Cameraman, Jerry Ash.

DIRECTION, O. K. **PHOTOGRAPHY,** Good.

Cleveland Variety Post Headed by John Himmelein

Cleveland—John Himmelein, former local Paramount branch manager has been elected commander of the Variety Post 313 succeeding Howard Roth. The rest of the slate for the current season is: adjutant, Dr. A. Bubis; 1st vice commander, L. Rich; 2nd vice commander, Aaron Wayne; finance officer, Edwin Bergman; historian, J. Lavery; chaplain, Dr. J. Bubis; judge advocate, Dr. L. Dembo. 1st sergeant-at-arms, Joseph Sweet; 2nd sergeant-at-arms, A. Kahn.

The new officers will be formally installed Oct. 13 at the Variety Club. Former commanders of the Cleveland Variety Post, formed three years ago are Col. Harry E. Long, Loew division manager; Harry H. Goldstein, Paramount district manager and Howard Roth, Paramount booker.

Dallas V. C. Expands

Dallas—The Variety Club has enlarged its headquarters in the Hotel Adolphus. It is swankier than ever, having bar murals done by Elmer Zenner.

"Bombs Over London"

with Charles Farrell, Fritz Kortner, Margaret Vyner

Film Alliance 77 mins.

TIMELY WAR STORY HAS GOOD ACTION AND SUSPENSE FOR THE MELLER FANS.

Imported from England, this film shows the machinations of a band of armament manufacturers who are trying to plunge Europe into war. It is timely, and it has plenty of action and suspense. An excellent performance is given by Fritz Kortner, a scheming political tool of the armament ring. Charles Farrell and Margaret Vyner fill the roles of a newspaper cartoonist and a reporter. Kortner, representative of a European nation at a London disarmament conference, brings about a deliberate breach among various powers at the conference. Meanwhile, he has employed an inventor who has an ingenious radio control system to direct bombing planes and they plan to bomb London. Farrell uncovers the plot after Miss Vyner's brother is murdered while hot on the trail of the armament ring. However, London is bombed just before Kortner and his gang can be rounded up. Film is timely and has enough high-pressure action and mechanical hokum to present interesting exploitation possibilities.

CAST: Charles Farrell, Margaret Vyner, Fritz Kortner, Danny Green, Wallace Everett, Monte De Lyle, Dino Galvani, Arthur Finn, Lawrence Hanray.

CREDITS: Grosvenor Films Production; Director, Sinclair Hill; Screenplay, G. H. Moresby White; Cameraman, Paul Barralet; Editor, John E. Morris.

DIRECTION, Good. **PHOTOGRAPHY,** O. K.

"Taku"

Norman Dawn Prod. 44 Mins.

(HOLLYWOOD PREVIEW)

ALASKAN MINING STORY SERVES AS FRAMEWORK FOR MARVELOUS SHOTS OF WILD LIFE.

"Taku," produced, directed, and photographed by Norman Dawn, is an agreeable filler for the average program. Offered as a story of native life in the land of Taku, Alaska, its human characters and story prove to be unimportant but do serve as a framework for the marvelous shots of wild animal life that swarms the country. Two little cubs actually steal the picture with their humorous mischief. The photography was excellent and outstanding were the shots of the salmon jumping the rapids, the cub's fight with a skunk, the penguins marching in formation, and the breaking up of the glaciers. The story, what there was of it, concerned a miner constantly searching for a rich strike. After numerous mishaps, which appeared a bit comical because of his unprofessional acting, he finds a rich mine; but in trying to rescue a lost child and return with her to the village, he dies on the ice. Although the synchronization of the dialogue was all too obviously an aftermath of the camera work, and in spite of a few other shortcomings,

"Nancy Drew—Trouble Shooter"

with Bonita Granville, John Littel, Frankie Thomas

Warners 69 mins.

CRIME MELLER WITH BONITA GRANVILLE AND FRANKIE THOMAS WILL APPEAL TO FAMILY AUDIENCES.

Designed for family audiences, this one will fit neatly, with enough suspense and excitement to keep the action moving. It should appeal especially to kids with Bonita Granville acting as a youthful Sherlock Holmes to assist her father, an attorney (John Littel), in defending a man charged with murder. Frankie Thomas ably abets Bonita as her faithful shadow in her sleuthing expeditions. Littel is forceful as the attorney and the rest of the cast is capable, with Willie Best providing plenty of laughs. Littel is engaged to defend Adrich Bowker on a murder charge. The body can't be found and he is discharged, but re-arrested when the body is discovered on his place. Bonita discovers a rare flower growing where the body was found and canvasses the surrounding country for any suspicious horticulturists. She and Frankie have a hair-breadth escape from the real murderer when he catches them snooping around, but the law prevails and everything is satisfactorily worked out.

CAST: Bonita Granville, Frankie Thomas, John Littel, Aldrich Bowker, Charlotte Wynters, Edgar Edwards, Renie R'ano, Roger Imhof, Erville Anderson, Willie Best.

CREDITS: Warner Bros. Production; Director, William Clemens; Original Screenplay, Kenneth Gamet; Based on the "Nancy Drew" stories of Carolyn Keene.

DIRECTION, O. K. **PHOTOGRAPHY,** Good.

New GE Committee Will Set Advertising Policy

Charles E. Wilson, executive vice-president of the General Electric, announces the appointment of a new committee to have responsibility for the policies and co-ordination of GE advertising. Chester H. Lang of Schenectady, company's advertising manager, is chairman and in this capacity will serve as a member of Wilson's staff in connection with advertising and publicity matters.

Other members are: B. W. Bullock of Bridgeport, Conn., recently named as advertising manager of the appliance and merchandise department of the company, and H. F. Barnes of Cleveland, O., sales promotion manager of the lamp department.

the picture "Taku" should be enjoyable to all those who like to see wild animals.

CAST: Native non-professionals. **CREDITS:** Producer, Norman Dawn; Director, Norman Dawn; Story by Susan Denis; Editor, Charles Hunt, Jr.; Photography, Norman Dawn.

DIRECTION, Fair. **PHOTOGRAPHY,** Good.

REVIEWS OF THE NEW FILMS

FOREIGN

"The End Of A Day"

with Louis Jouvet, Victor Francen, Michel Simon

Juno Films 94 Mins.

ELOQUENT STORY OF AN ACTOR'S HOME ADMIRABLY PROJECTED TO THE SCREEN WITH A FINE CAST.

This French importation will take rank with the top-notch films that have come from France in the past. The story, which revolves about a home for actors, has been told in a sympathetic and eloquent fashion without any banalities to detract from its effectiveness. Victor Francen, Louis Jouvet, Michel Simon and Madeleine Ozeray top the fine cast and turn in expert performances. Julien Duvivier rates laurels for his deft direction. A scampish note of humor is also injected into the film to lighten its austerity. The story concerns the home and its trials and tribulations, its salvation when about to close, but individual characterizations are more important than the general theme of the story. Jouvet, a pathological case, who has been a great lover and goes insane; Francen, the actor who was too intellectual as an actor to stir the hearts of the public, and had his wife stolen by Jouvet years before; Simon, a pathetic and tragic comedian by turns, they are all excellent.

CAST: Victor Francen, Louis Jouvet, Michel Simon, Madeleine Ozeray, B. Gabrielle Dorziat, Arthur Devere, Arquilliere, Sylvie, Joffre, Granval, Jean Ayme.

CREDITS: Regina Films Production; Director, Julien Duvivier; Screenplay, Charles Spaak. Presented at the Filmarte with French dialogue and English titles.

DIRECTION, Brilliant. PHOTOGRAPHY, Fine.

"On His Own"

with Alexei Lyarsky, V. O. Massalitinova

Amkino 96 mins.

INTERESTING SCREEN BIOGRAPHY OF MAXIM GORKY AS A CHILD.

Policy of the Russian producers in the past has been to remake favorite subjects time and again in a different vein or period, and "On His Own" is no exception. The film suffers as to entertainment value, in the fullest sense of the word, as the faithful rendering of the subject matter stressed by the director Mark Donskoi leaves no room for byplay. The cast is capable and the portrayal of young Gorky contributed by Alexei Lyarsky is excellent. Story concentrated on Gorky's boyhood. We see him as a dishwasher on a Volga steamer, as an apprentice in an Ikon shop and during his bitter life in Nizhi Novgorod.

CAST: Alexei Lyarsky, V. O. Massalitinova, M. Troyanovsky, I. Kudriavtsev, E. Lilina, F. Seleznev, I. Zarubina, D. Zerkalova, A. Timontayev, Chugunov.

CREDITS: Soyuzdetfilm Production; Director, Mark Donskoi. Presented at the Cameo Theater with Russian dialogue and English titles.

DIRECTION, Good. PHOTOGRAPHY, Good.

"En Kvinns Ansikte"

(A Roman Face)

with Ingrid Bergman, Anders Henrikson
Scandinavian Talking Pictures 90 Mins.

STRONG EMOTIONAL STORY WITH UNUSUAL THEME DEFTLY ACTED AND DIRECTED.

It is unfortunate that the Swedish dialogue will place restrictions on the scope of exhibition afforded to this new film as it is excellent in all respects. English titles do not completely interpret the dialogue. The acting is first rate, with Ingrid Bergman giving a brilliant performance. She is capably supported by a fine cast which includes Anders Henrikson, Georg Rydeberg and Eric Berglund. Miss Bergman, disfigured as a child, has a mind that is warped and vicious. Her one mission in life is to prey on the more fortunate. However, she meets Henrikson, a surgeon, and she is made beautiful, with her natural conflict of emotions when this transfiguration takes place leading to an unusual climax.

CAST: Ingrid Bergman, Anders Henrikson, Georg Rydeberg, Eric Berglund, Tore Svanneberg, Gunnar Sjöberg, Magnus Kester, Gosta Sederlund, John Ericsson, Sigurd Wallen, Karin Kavli, Bror Bugler, Hilda Borgstrom.

CREDITS: Svensk Films production; Director, Gustaf Molander. Presented at the 48th St. Theater with Swedish dialogue and English titles.

DIRECTION, Fine. PHOTOGRAPHY, Good.

"Erik a Buzakalasz"

(The Wheat Ripens)

with Sari Fedak, Mici Erdelyi, Laszlo Szilassy

Danubia Pictures 82 Mins.

PLEASING HUNGARIAN PICTURE HAS GAY MUSIC AND AMUSING COMEDY.

Hungarian-American audiences will be entertained by the newest Danubia importation. Although the story construction is weak, there is a sufficient amount of comedy and pleasing music to more than atone for this deficiency. Capable cast is headed by Sari Fedak, Mici Erdelyi, Laszlo Szilassy and Attila Peto. Story concerns a romance between Miss Fedak and Peto. Their marriage plans are complicated by the fact that her two children are unmarried and she won't wed until they are. Finally, the problem is solved satisfactorily.

CAST: Sari Fedak, Mici Erdelyi, Maria Egly, Laszlo Szilassy, Laszlo Perenyi, Attila Peto, Kalman Rozahgyi, Sandor Goth.

CREDITS: Kino Film production; Director, Bela Gaal. Presented at the Modern Playhouse with Hungarian dialogue and no English titles.

DIRECTION, Good. PHOTOGRAPHY, Good.

Weiser to Give Courses

Jacob A. Weiser, formerly with Metro and the Theater Guild, will give 16-week courses in dramatics, playwriting and the American theater at CCNY. Registration period ends Sept. 22.

SHORTS

"Filming the Navy"

20th-Fox 10½ mins.

Thrilling and Timely Short

Here is a timely short that will thrill every American. We see the battle fleet maneuvering, swinging into battle lines for firing at a mythical enemy, the launching of torpedoes, planes from the aircraft carriers and catapults, and the laying of smoke screens. The photography is outstanding and the reel is top notch in every respect.

"Catching Whoppers"

(Spotlight)

Paramount 10 mins.

Great Fishing Film

A real fisherman's paradise off the coast of Guaymas, Mexico, with two specially equipped boats with their fishing enthusiasts after the big tuna. It gets exciting when a school of whip-rays, also giant fish, jump clear out of the water many feet, and splash back again. Sail fish and marlin are seen and caught. Then a jump to the Florida coast, for the big tuna jamboree, with a series of catches of giant fish weighing up to 500 pounds. A great fishing picture with splendid narration by Ted Husing.

"Fashion Forecast"

20th-Fox 9½ Mins.

Beautiful Clothes and Gorgeous Girls

Femmes will go into ecstasies when they see the dazzling fashion parade of gowns, hats, furs and jewels paraded on the screen for their benefit in the newest of the Vyvyan Donner series for Movietone News. Filmed in Technicolor, it is breathtakingly beautiful, and although it is essentially a woman's picture the men in audiences should respond to the dazzling bevy of beautiful girls. The commentary by Ilka Chase is witty and interesting. Evening clothes, street costumes, formal and informal afternoon and evening clothes, furs and hats for fall and winter are featured.

"A Desert Adventure"

(Spotlight)

Paramount 10 mins.

Swell Hunting Reel

This is the sequel to that famous "Death Valley Thrills," in which the archery experts, Ken and Walt Wilhelm, of the Mojave Desert, use their bow and arrows as well as blow-gun in capture of wild life. The reel is filled with amazing specimens of marksmanship, such as shooting articles from the mouth or the head of one of the brothers. The climax is a thriller, with one of the marksmen on a high ledge, caught between a wildcat advancing toward him and a rattler coiled behind him. The other brother kills the rattler

and they then bag the wildcat in a net.

"Monkeys Is the Cwaziest People"

(Lew Lehr's Dribble-Puss Parade)

20th-Fox 9½ mins.

Hilarious Monkey Shines

The antics of chimpanzees and other assorted simians in different zoos and private shows are brought to the screen in hilarious fashion in this short, with Lew Lehr giving a howlingly funny commentary. Lehr parades his monkeys in different antics that are human in many ways and funny in all. The chimps especially perform some amazing tricks.

Community Sing

with the King Sisters

and Gene Morgan

Columbia 9 mins.

Pop Songfest

Songs sung by Bing Crosby, are presented to the audience with Gene Morgan acting as song leader, and the King Sisters harmonizing for the chorus build-up. Songs include pop numbers such as "One, Two, Button My Shoe," "Pennies From Heaven," "Love In Bloom," "I'm An Old Cowhand from the Rio Grande," and "Blue Hawaii."

"Public Hobby Number One"

(Paragraphic)

Paramount 11 mins.

For Stamp Enthusiasts

A novel trip through the Bureau of Engraving of the Postoffice Department, where the various steps in manufacturing postage stamps is interestingly presented. Here is a reel that will be avidly devoured by philatelists, who are to be found everywhere. Many interesting side-lights in the pursuit of this popular hobby are shown, which help explain the enormous popularity of stamp collecting. Narration by Alois Havrilla.

"The Charm Bracelet"

(Fantasy Cartoon)

Columbia 7 mins.

Nice Whimsy

Starting a new cartoon series, introducing Margie, who receives a charm bracelet from Scrappy. When she falls asleep, the various bracelet items come to life. They hold a picnic and have a grand time, and as Margie awakes, they become inanimate objects on the bracelet once more. Story by Harry Love.

"Ecuador"

(Color Cruise)

Paramount 10 mins.

Fine Scenic

High up in the cool mountains, this country on the equator is seen to be a land of richness in natural wealth and vegetation. The intimate shots of the natives, of Indian origin, are most interesting. An industrious and kindly people, seen at work and play. Done in Cinecolor, which shows the richness of the vegetation, flowers and costumes.

**"THE RAINS
CAME"**

SMASHES

"JESSE JAMES" RECORD

by more than

\$6,000

**in first week
at the ROXY!**

**and beats "JESSE JAMES" in early-run
openings at SEATTLE, PHILADELPHIA,
ALBANY, PITTSBURGH, SAN FRAN-
CISCO, MILWAUKEE!**



**THE KEYSTONE
OF YOUR FUTURE**

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76. NO. 55

NEW YORK, TUESDAY, SEPTEMBER 19, 1939

TEN CENTS

War Puts Crimp in Odeon's Deal for Para. Theaters NATIONAL DIVORCEMENT LEGISLATION IN PROSPECT Arbitration Clauses Apply Only to Contract Violations

Not a Means for Untangling Clearance or Over- buying

The voluntary arbitration clauses in several of the major companies' exhibition contracts are applicable only to disputes rising from contract violations and are not to be considered as a means of untangling clearance and overbuying problems, it was pointed out yesterday by an industry executive.

It was explained that many exhibitors have been laboring under the impression that the arbitration

(Continued on Page 11)

BUCK FIRST WITNESS IN NEB.-ASCAP SUIT

Lincoln, Neb. — Hearing started here yesterday before a three-judge tribunal in the Federal Court in the State's defense of the constitutionality of its anti-Ascap law passed in 1937.

Gene Buck, president of Ascap, occupied the witness stand for four hours, devoting special attention to

(Continued on Page 10)

Italian Company Seeking Five Fine Arts Pictures

Five pictures produced by Franklyn Warner for his Fine Arts company may be distributed in Italy under a deal now being negotiated between Warner and a representative of an Italian company. Deal

(Continued on Page 4)

Westway Files Exceptions to Particulars Bill Move

Baltimore — Westway Theater, plaintiff in an anti-trust suit against the Edgewood Theater and seven majors, has filed exceptions to the demand of the defendants for a bill of particulars. No date for a hearing has been set as yet.

Court Hears Schine Suit Arguments Oct. 2

Buffalo—Arguments on the Government's request for a preliminary injunction against Schine Theaters, Inc., and its affiliates and a defense motion for dismissal of the anti-trust action, originally scheduled for yesterday, were set for hearing Oct. 2 in Federal Court here by Judge John Knight.

FIND BIZ IMPROVING IN SOUTH AMERICA

Returning from South America yesterday on the Brazil, foreign chieftains Sam E. Morris and Phil Reisman, of Warners and RKO, respectively, reported that South American and Latin-American business was improving, and that a lengthy European war, which curtailed production in France, England and Germany, would undoubtedly increase playing time of Amer-

(Continued on Page 4)

First Actual War Footage in Paramount News Special

First motion pictures of active warfare in Europe reached Broadway audiences early yesterday afternoon via Paramount News which flashed a special reel it had received late Sunday night by the transoceanic plane Caribou, on the

(Continued on Page 11)

"ONE BIG UNION" PLAN BEFORE 11 4A UNITS

The four A's swung into high gear last night in their drive to consolidate all the member unions into "one big union," with the executive secretaries of the 11 member branches meeting to exchange views and discuss a six-point program which has been worked out by a committee appointed previously to draw up a plan for consolidation.

At the same time, it was learned

(Continued on Page 11)

Ontario Not to Levy A War Admission Tax

Toronto—Ontario has no present plans to impose a war tax on admission prices to theaters or other places of amusement, O. J. Silverthorne, chairman of the province's

(Continued on Page 10)

Odeon Circuit Deal for Paramount's 14 English Theaters Stymied by War

Metro Abandons Production Plans for "Busman's Holiday"

"Busman's Holiday," which M-G-M was to have made in England, has been shelved and there are no plans to shift its production to the U. S., according to Richard Thorpe, director, who arrived on the Washington from Europe. Thorpe, who

(Continued on Page 4)

The Odeon deal whereby the English circuit was to have taken over 12 of Paramount's 14 theaters in England has been postponed until at least the end of the European war. This was stated yesterday by Barney Balaban, Paramount president, who was at the pier to meet Stanton Griffiths, chairman of the executive committee, who arrived with Mrs. Griffiths

(Continued on Page 15)

Boren, Sponsor, Will Outline Measure at Okla. Allied Convention

By ERNEST W. FAIR
FILM DAILY Staff Correspondent

Oklahoma City—Opening gun in a campaign for enactment of a Federal divorce statute will be fired at the convention of Allied Theater Owners of Oklahoma which opens at the Biltmore Hotel here Sept. 26, it was learned yesterday.

Firing it verbally will be Rep. Lyle H. Boren, D., Okla., who, for more than a year, has been toying with the divorce measure. Boren will outline the draft of the measure he will hopper when Congress reconvenes.

Indicative of Allied's strategy, the

(Continued on Page 10)

D OF J TO CONTINUE N. Y. ANTI-TRUST DIV.

Washington Bureau of THE FILM DAILY

Washington—Reports that the Department of Justice is closing up its anti-trust division in New York are unfounded, Thurman Arnold, Assistant Attorney General and head of the anti-trust division said yesterday. Arnold pointed out, that the New York office has added eight men

(Continued on Page 14)

"Lynton" Plagiarism Award Against Theater Reduced

In an opinion rendered yesterday, Federal Judge Vincent L. Leibel reduced an award of \$16,470 to \$3,099 against the Moredall Realty Corp., owner of the Capitol The-

(Continued on Page 11)

Ohio Moves to Enforce Wage Agreement Statute

Columbus, O.—Ohio exhibs. must enter into wage agreement with all employees less than 21 years of age

(Continued on Page 11)

THE FILM DAILY

ALL THE NEWS
ALL THE TIME

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	113 1/8	113 1/8	111 1/2	- 3/4
Col. Picts. vtc. (2 1/2%)	7 7/8	7 1/2	7 1/2	-
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/8	1 1/8	1 1/8	- 1/8
Con. Fm. Ind. pfd.	8 3/4	8 3/4	8 3/4	- 3/4
East. Kodak	157 1/8	155 1/2	156	- 1 1/4
do pfd.				
Gen. Th. Eq.	9 5/8	9 1/2	9 1/2	- 3/8
Loew's, Inc.	35 1/2	34 1/2	34 1/2	- 1 1/8
do pfd.				
Paramount	7 7/8	7 1/2	7 1/2	- 3/8
Paramount 1st pfd.				
Paramount 2nd pfd.	8 1/2	8 3/8	8 3/8	- 5/8
Pathe Film	10 1/2	9 7/8	10 1/8	- 1/2
RKO	13 1/4	13 1/8	13 1/8	+ 1/8
20th Century-Fox	14	13 1/2	13 1/2	- 5/8
20th Century-Fox pfd.	23	22 1/2	22 1/2	- 1 3/4
Univ. Pict. pfd.				
Warner Bros.	4 1/8	4	4	- 1/4
do pfd.	44	44	44	

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100	100	100	+ 1/2
Loew's deb. 3 1/2s46	95 3/4	95 3/4	95 3/4	
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	78	78	78	- 2
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 1/4	1 1/4	1 1/4	
Technicolor	12	11 1/2	11 3/4	- 1/4
Trans-Lux	1 3/8	1 3/8	1 3/8	- 1/8
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film pfd.	102	
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

SAFETY LLOYDS

FILM STORAGE CORP.

Storage by Reel or Vault

729 Seventh Ave.
New York City
BRyant 9-5600

SECURITY

Examination of Zanuck Okayed But at a Price

New York Supreme Court Justice Thomas F. Noonan yesterday granted to Robert E. Sherwood and the Playwrights Producing Co., the privilege of examining Darryl F. Zanuck before trial in Los Angeles, but made it a condition that Sherwood pay \$150 a day to Julian Abeles, attorney for Zanuck, for his legal services, \$25 per day living expenses and \$300 transportation expenses.

The order requires Zanuck to produce the records of the film "Young Mr. Lincoln" at the examination. Twentieth Century-Fox is defendant in a suit which charges it with trading upon the popularity of the Sherwood play "Abe Lincoln In Illinois."

Wis. May Follow Ciggy Levy With 2% Sales Tax

Madison, Wis.—Wisconsin's budget problem for the biennium was a step nearer solution with the passage by the State legislature of a \$10,200,000 revenue bill through a 2 cents a package tax on cigarettes. The new tax becomes effective today.

On the heels of the passage of this measure, however, come reports of a 2 per cent sales tax measure to make up a deficit of some \$18,000,000 in the budget. A provision in the measure is a \$5 tax on retail outlets.

Exhibitor leaders have indicated that they will strenuously oppose any sales tax bill.

Warners Planning More Historical Featurettes

Norman H. Moray, Vitaphone sales manager, goes to the Coast next month to confer with execs. there on an increase in the number of historical featurettes for seasonal release. Present lineup calls for six, and Warners is rushing preparation on them.

Moray will huddle with Bryan Foy and Gordon Hollinshead at the Burbank studios.

Open Season on Sales Drives Launched by ITO of Ohio

Columbus, O.—ITO of Ohio is declaring open season on sales drives. Bulletin released Saturday by Pete J. Wood, secretary, offers the opinion that "these drives engender nothing but ill-will and place the exhibitor at the mercy of certain exchange employees."

TTC Interest Sold

Washington Bureau of THE FILM DAILY
Washington—Sale of a 50 per cent interest in the Terminal Theater Co. by the Stanley Company of America, a Warner Bros. subsidiary company, to the Terminal Theater Co., has been reported to the SEC by Warner Bros.

Roddick to Maritimes Under FPC Realignment

Toronto—Changes in the staff of Famous Players Canadian Corp. are announced at headquarters here. R. S. Roddick of Toronto, former district supervisor of theaters in the London district, is transferred to Halifax, N. S., where he will have supervision of theaters in the Maritime Provinces, and also takes over management of the Capitol Theater in Halifax, succeeding L. Graburn, who returns to the home office staff in Toronto. Jack Arthur, manager of Uptown Theater, Toronto, has been promoted to district manager for Western Ontario. Fred Trebilcock, assistant manager, becomes manager of the Uptown.

It is reported that the transfer of Roddick to the Maritimes, indicates the virtual retirement of Clarence Robson, who has served for many years as eastern divisional supervisor, and who now is seriously ill. It is understood that Morris Stein, or Toronto, central Ontario district manager, will take over the eastern Ontario territory temporarily.

Chi. Contempt Defendants Granted 30-Day Extension

Chicago—Defendants' attorneys in the Government's contempt case hearing before Master Eldredge contended yesterday that the Government had failed to make out a case against the various film companies and B & K. They obtained from Judge Eldredge, 30 days extension to present briefs, findings of fact and law conclusions. Government attorneys will then have 30 days to file their answer.

Bellman Will Manage Rep's Buffalo Office

Jack Bellman, former Eastern division manager for Republic, has been appointed manager of the Buffalo office, it was learned yesterday. Appointment of Bellman is first of readjustment step involving district managers who were made inoperative for a period of three months in order to determine the extent of duplication of effort in the various territories controlled by franchise holders.

Bellman replaces Nat Marcus. Latter returns to his place on the sales staff.

To Give Convention Report

Report on the recent Allied of New Jersey convention in Atlantic City will be given to members today at a luncheon meeting of the unit at the Hotel Lincoln. It will be the first session at which the newly elected president, Lee Newberry, will preside.

Brooks Shifts Drive-In

Farmdale, O.—The Drive-In Theater opened here in July by M. C. Brooks, has been moved to Creston.

COMING AND GOING

JAMES R. GRAINGER, president of Republic and general manager in charge of distribution is currently on a business trip to Chicago and St. Louis, and returns to the home office next Monday.

WILLIAM SUSSMAN, Eastern division manager for 20th-Fox, arrives in Cleveland this morning to address a meeting of the local sales force in connection with the Kent drive.

SAM E. MORRIS, MRS. MORRIS, PHIL REISMAN, ARTHUR ABELES, MRS. ABELES, and MELVILLE SHAUER, arrived here yesterday on the Brazil from South America.

MILTON WEISS, of the Metro publicity staff, flew in from the Coast yesterday.

BEN GOETZ was reported to have sailed from England yesterday on the Manhattan.

JACKIE COOGAN and JAMES CROSS arrived from the Coast yesterday via TWA.

HOWARD HILL, champion archer, has arrived in Chicago to make a p.a. in connection with the premiere there of a short he and Errol Flynn recently made.

NICK GRINDE, director, has arrived in New York from the Coast.

JACK SEGAL and ARNOLD PICKER of Columbia's home office foreign department, leave for Havana today by plane to join J. A. McConville, foreign manager, and Charles Roberts for the first of two Latin American conventions being held by the company.

SOL LESSER left for the Coast yesterday.

CAPTAIN CARL-FREDRIK NELSON, Swedish director and screen writer, arrives here in the near future from South America to negotiate with several companies interested in some properties he owns.

STANTON GRIFFIS, MRS. GRIFFIS, RICHARD THORPE, MRS. THORPE, their two sons, MRS. J. P. KENNEDY, and three of her children, FITZ KREISLER, ROBERT MONTGOMERY and MRS. MONTGOMERY, KATHERINE DOUCET, ETHEL REMY, CLAIRE CARLETON and JUNE CLYDE arrived yesterday on the Washington.

COLE PORTER is at the Waldorf Towers.

MRS. ERNST LUBITSCH is said to be homeward bound from Europe on a Dutch ship.

BOB SAVINI, president of Astor Pictures, has arrived on the Coast from New York via TWA.

MARGARET SULLAVAN left New York on the week-end aboard the TWA Sky Chief for Hollywood.

ORSON WELLES has arrived in New York from the Coast.

MERLE OBERON is reported to have sailed from England yesterday for New York.

MONTY BANKS sails for Europe today on the Rex.

Take Stadium Depositions

Chicago—Taking of depositions in the Ford Stadium Theater case will be continued this week, before Commissioner A. J. Schucat.

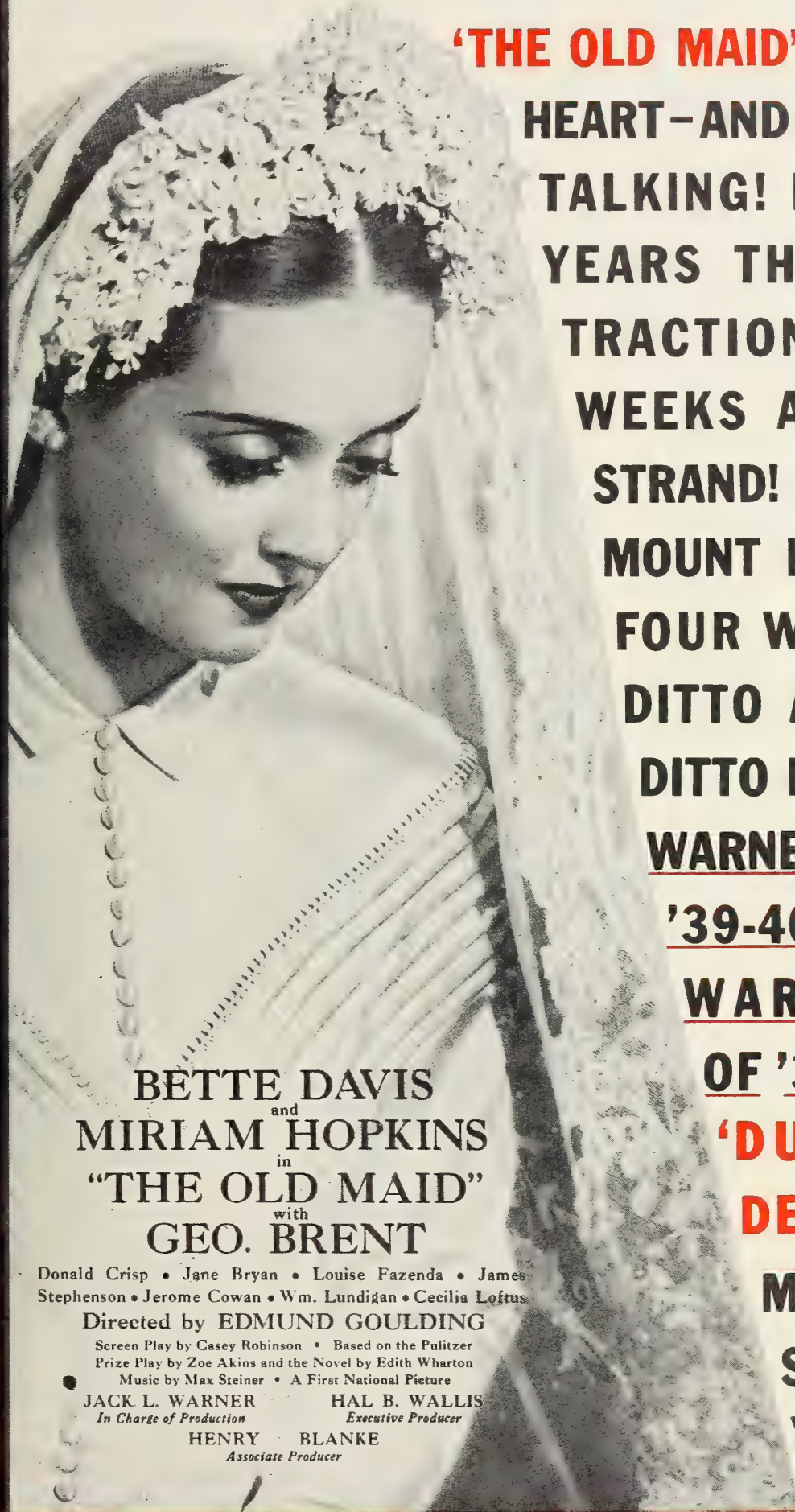


Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 19

Ernest Truex

Betty Garde



BETTE DAVIS
and
MIRIAM HOPKINS
in
"THE OLD MAID"
with
GEO. BRENT

Donald Crisp • Jane Bryan • Louise Fazenda • James
Stephenson • Jerome Cowan • Wm. Lundigan • Cecilia Loftus

Directed by EDMUND GOULDING

Screen Play by Casey Robinson • Based on the Pulitzer
Prize Play by Zoe Akins and the Novel by Edith Wharton
Music by Max Steiner • A First National Picture

JACK L. WARNER

In Charge of Production

HAL B. WALLIS

Executive Producer

HENRY BLANKE

Associate Producer

**'THE OLD MAID' IS A SWEET-
HEART-AND HOW THEY'RE
TALKING! IN OVER SIX
YEARS THE ONLY AT-
TRACTION TO GO SIX
WEEKS AT THE N. Y.
STRAND! B'KLYN PARA-
MOUNT HITS HIGHEST
FOUR WEEKS EVER!
DITTO AND DOUBLE
DITTO EVERYWHERE.
WARNERS' FIRST FOR
'39-40 TOPS EVEN
WARNERS' TOP
OF '38-39! NEXT
**'DUST BE MY
DESTINY'-AND**
MAGNIFICENT!
STAY UP ON
YOUR TOES!**

STUDIO, IATSE TALKS WAITING ON ELECTION

West Coast Bureau of THE FILM DAILY

Hollywood — IATSE-studio negotiations regarding wage scales and working conditions have been deferred until Thursday.

IATSE says that it voluntarily requested a postponement until after the bargaining agency election tomorrow. The United Studio Technicians Guild which with the IA is contesting for the agency designation filed a formal protest with the NLRB against continuance of such negotiations pending the election.

Joseph M. Schenck, prexy of the Association of Motion Picture Producers, states the association will bargain collectively with whatever agency wins the election.

Italian Company Seeking Five Fine Arts Pictures

(Continued from Page 1)

is not yet set but is understood to be close to inking.

If pact is signed, it will be one of the first Italian-American agreements reached since the Italian monopoly decree became effective.

Pictures made by Warner include "Shadows Over Shanghai," "Frontiers Scout," "Cipher Bureau," "Long Shot" and "Panama Patrol."

Arizona Western Will Film Series of Shorts

Mesa, Ariz. — Arizona Western Pictures here today starts a series of short subjects dealing with historical phases of Arizona and the West. "An Indian Bible," "Language of the Range," and "The Miracle of Water" will be among the first.

WEDDING BELLS

Pittsburgh—Melvin Barrett, formerly of the local Paramount Ad Sales department and now manager of this department in the Cleveland exchange, was married Sunday to Miss Ruth Gersen of this city, the ceremony taking place at the William Penn Hotel.

Conway, N. H.—Robert King, operator at the Majestic Theater here, was married in North Conway to Miss Alice Melendy of Bedford, former Carroll County home demonstration agent. They will reside in Conway.

Berlin, N. H.—Miss Olive M. Cadorette of the box office staff of the Strand Theater here became the bride of Laurier R. Duchesne at a nuptial mass in Angel Guardian Church. They left on a wedding trip to Canada.

ALONG THE



WITH PHIL M. DALY

● ● ● IT appears that the time is ripe to get up a petition..... to the dictionaries.....urging them to change the spelling of "censorship"....to "sense-orship".....or at least get a syllable of sense into it, if possible.....The handling of the French pix, "Harvest," is sufficient cause.....for the New York State Board of Censors last July..... banned the footage entirely.....declaring it would tend to destroy public morals.....If the picture can have any such destructive result.....so can a Nazi soldier, with asthma and a bean-blower level the vaunted Maginot Line.....The State Board of Regents must have felt the same way a few days ago....when it completely and unequivocally reversed the Censor Board findings.....

● ● ● IF statistical info is credible....."Harvest" is the first pix ever to have been censor-banned.....and then the decision overruled by the Regents.....without changes having been made in the resubmitted film.....The why of it all is baffling.....Has the determination as to what is moral, and what is not, become so arbitrary that there is none to say "aye" or "nay" with any degree of surety?.....If so, then censorship should be relegated to the limbo of uselessness.....The New York State Board of Censors, however, did one good turn.....paradoxically to the very ones whose production they sought to ditch.....namely, the film's distributors in the U. S. mart.....for the Board has left behind its action the implication that the footage is "hot stuff".....which it isn't at all.....

● ● ● YESTERDAY wasn't New Hampshire Day at the Fair..... but it was a fair day for New Hampshire.....in the comfort and quietude of the Preview Theater in 1600 B'way.....This department had an intimate look-see at the swell two-reeler in Cinecolor.....which Emerson Yorke produced, directed and authored for the New Hampshire State Planning and Development Commission.....Pix is a natural for the non-theatrical field.....but wait!.....for it is also a whizzbang bet for the commercial field.....particularly in one-reel form.....The film not only makes you want to go there.....it makes you want to live there.....permanently.....

● ● ● COINCIDENTALLY, from out Wolfeboro, N. H., also came.....via the Granite State News.....that newspaper's nomination of Ansel N. Sanborn, film exhib, as "the busiest man in Carroll County".....it being pointed out that Sanborn operates pix theaters in Sanbornville, Wolfeboro and Center Ossipee, plus a bowling and dancing spot known as the Wolfeboro Casino..... He is also speaker of the House of Representatives.....an aspirant to the Governor's Council.....member of various legislative committees.....and prominent in civic and fraternal organizations.....In fact, the newspaper adds:....."You can believe it or not, but an automobile salesman once came from Dover (N. H.).....in the pious hope of selling Ansel a brand new car..... Before he caught up with him for an interview.....he had driven the new car so far and fast.....that it had to be sold as a decidedly second-hand job".....

● ● ● LOCAL-EYES-ING the industry's doings.....leaders in the amusement, business and civic worlds lunch today at the Hotel Astor.....with U. S. Housing Administrator Nathan Straus.....to discuss plans for the gigantic benefit show in Madison Square Garden on Nov. 15.....the annual "Night of Stars".....to aid the cause of Jewish refugee settlement in Palestine. . . ● Also today is the gala Warner Club Golf Tourney at Glen Oaks.....where only good fellowship will prevail.....and the only digs will be for divots.....

FIND BIZ IMPROVING IN SOUTH AMERICA

(Continued from Page 1)

ican pictures in this territory to some extent.

Morris confirmed an exclusive story in THE FILM DAILY that he had investigated the possibilities of theater investment by Warner in Rio de Janeiro, but he had no comment as to what his recommendations would be. Arthur Abeles, managing director in Brazil for Warners, accompanied Morris.

Reisman visited Brazil, Uruguay, Argentina and Trinidad on his trip which was cut short by six or seven weeks due to the European war. Reisman also reported that Argentinean producers are building two new studios in Buenos Aires and that production there was making rapid strides.

Melville Shauer, producer, who went to Buenos Aires to produce six Spanish pictures for United Artists release, also returned on the Brazil. He said that due to several things that had arisen he had been unable to make any pictures in B. A. at the present time, but it was possible he might make the pictures for UA elsewhere. He stated that he expected to confer with Murray Silverstone, with future plans to be set at that time.

Metro Abandons Production Plans for "Busman's Holiday"

(Continued from Page 1)

was accompanied by his family and Mr. and Mrs. Robert Montgomery, said that the company's studio quarters were being used as a food warehouse. Whether any of the pictures that had been slated for production in England will be made over here has not been determined, he said. Some background shots and exteriors for "Busman's Holiday" were made prior to the outbreak of war, Thorpe said. Montgomery had been slated to star in the picture.

Ben Goetz, M-G-M top executive in England, who was scheduled to sail on the Washington was detained because of illness, but it was reported that he sailed yesterday on the Manhattan from England.

"Old Maid" Runs Ahead

Warners' "The Old Maid" in the first four days of its fourth week at the Brooklyn Paramount rolled up a gross greater than in the same period of its third week, it was reported at the home office yesterday. Pix leaves the New York Strand Thursday after six weeks.

STORKS!

Baltimore—Harry Leventhal, projectionist at the New Essex, is the aging director of the State. father of a new daughter.

TIMELY!...

..AND AS FULL OF

SUSPENSE AS THE

LATEST WAR BULLETIN

..BECAUSE ANY MOMENT

COULD SEE IT ALL

HAPPEN AGAIN!

ANNA NEAGLE as NURSE EDITH CAVELL

THE STORY THAT SHOCKED THE WORLD NOW ROCKS THE SCREEN! . .

"Unbelievable, unthinkable," humanity cried, "The German War Lords can't do THAT to a woman!"... But they could, and they did!... Here is that story... true, thrilling, tremendous . . . told uncensored, without rancor or bitterness . . . told with a relentless realism and a heart-sweeping power beyond help or tears!... IT'S TERRIFIC!

OPENING THIS WEEK . . . RADIO CITY MUSIC HALL

ANNA NEAGLE
in her first Hollywood appearance
**as NURSE
EDITH
CAVELL**

WITH

EDNA MAY OLIVER • GEORGE SANDERS • MAY ROBSON • ZASU PITTS

H. B. WARNER • SOPHIE STEWART • MARY HOWARD • ROBERT COOTE

Produced and Directed by HERBERT WILCOX • Screen Play by MICHAEL HOGAN



★ ★ REVIEWS OF THE NEW FILMS ★ ★

"Babes in Arms"

with Mickey Rooney and Judy Garland
Metro 96 Mins.

(HOLLYWOOD PREVIEW)

AND PACKAGE OF ENTERTAINMENT SHOULD RATE AS ONE OF THE YEAR'S BIGGEST GROSSERS.

Here is a grand package of entertainment that exhibitors should be proud to play in their houses. It has sock performances by Mickey Rooney and Judy Garland, and properly exploited should be a bonanza at the box office. Director Busby Berkeley has given expert guidance to the comedy and pathos, in addition to directing a stirring finale, which has the White House as a background. Arthur Freed, who with Herb Nacio Brown, wrote "Good Morning," one of the songs in the production, makes his bow as a producer—and a very successful bow it is. Mickey Rooney has a field day and his imitations of Clark Gable, Lionel Barrymore, Eddie Leonard and President Roosevelt rocked a tough Huntington Park preview audience. Judy Garland delivered solidly with her songs and performance, while June Preisser, making her screen debut as a cinema glamour girl, made a grand impression with the preview fans. Douglas McPhail and Betty Jaynes pleased with their singing, while Charles Winninger, Guy Kibbee, Margaret Hamilton and Barnett Parker do their usual good work. Grace Hayes, Rand Brooks, John Sheffield and Leni Lynn are among the principals. Jack McGowan and Kay Van Riper concocted an amusing screenplay, based on the play by Richard Rodgers and Lorenz Hart. Ray June's photography is high-grade. With vaudeville passe, Mickey's parents, Winninger and Grace Hayes, find bookings scarce, but Mickey, who was born backstage at the New York Palace, is undaunted and writes a revue to be presented in his home town, Seaport. The show is held outdoors and just at its height, a heavy rain sends the audience scurrying. When things look the darkest for Mickey and his parents, Mickey receives word that Hull, a New York producer, who had seen the revue at the instigation of Judge Kibbee, has decided to present it on Broadway.

CAST: Mickey Rooney, Judy Garland, Charles Winninger, Guy Kibbee, June Preisser, Grace Hayes, Betty Jaynes, Douglas McPhail, Rand Brooks, Leni Lynn, John Sheffield, Henry Hull, Barnett Parker, Ann Shoemaker, Margaret Hamilton, Joseph Crehan, George McKay, Henry Roquemore, Lelah Tyler.

CREDITS: Producer, Arthur Freed; Director, Busby Berkeley; Authors, Richard Rodgers and Lorenz Hart; Screenplay, Jack McGowan and Kay Van Riper; Cameraman, Ray June, A.S.C.; Film Editor, Frank Sullivan; Musical Director, George Stoll; Art Director, Cedric Gibbons; Wardrobe by Dolly Tree.

DIRECTION, Expert. PHOTOGRAPHY, Fine.

Says Pix is Neutral

West Coast Bureau of THE FILM DAILY Hollywood — Ben Judell, PPC prex, in a formal statement affirms that "Hitler—Beast of Berlin" will not violate U. S. neutrality and that it is not war propaganda.

"Thunder Afloat"

with Wallace Beery, Chester Morris, Virginia Grey
Metro 94 Mins.

(HOLLYWOOD PREVIEW)

GRIPPING AND STIRRING WORLD WAR STORY SHOULD CLICK SOLIDLY WITH ALL AUDIENCES.

This is a gripping, stirring story of the World War days when U-boats operated off the Atlantic Coast in an attempt to cripple American shipping and of how the United States Navy coped with the menace. With present day headlines giving much attention to submarine warfare, the picture should be easy to exploit. Wallace Beery gives a grand performance as the captain of a tugboat, who becomes so enraged when a U-boat sinks his craft that he enlists in the navy to wage a one-man war on German submarines. Chester Morris is splendid as Beery's shipping rival, who joins the navy and becomes Beery's superior officer. Virginia Grey has her best role to date and delivers solidly. Douglas Dumbrille does good work as a naval officer, while Carl Esmond is convincing as the captain of the U-boat, which sinks Beery's tugboat and also includes in its exploits the sinking of the navy's armored cruiser, the San Diego. George B. Seitz's direction creates much suspense and he blends the action, comedy and pathos effectively. To J. Walter Ruben goes credit as producer. Wells Root and Commander Harvey Haislip supplied a gripping screenplay, based on the original story by Ralph Wheelwright and Commander Haislip. When Beery disobeys orders and takes his sub-chaser out of a formation to start a lone hunt for submarines, he is court-martialed, found guilty and demoted from an ensign to an ordinary seaman, and assigned to land duty. He is about to desert, when Morris, ordered to command a mystery schooner, searching for U-boats, makes him a member of his crew. The schooner locates a sub, which is commanded by Esmond. Beery makes a futile attempt to ram the schooner against the U-boat and is taken aboard. Subchasers disable the sub, and Esmond and his crew are taken prisoners. Beery is restored to his ensignship and awarded a medal for his bravery.

CAST: Wallace Beery, Chester Morris, Virginia Grey, Douglas Dumbrille, Carl Esmond, Clem Bevans, John Qualen, Regis Toomey, Henry Victor, Addison Richards, Hans Joby, Henry Hunter, Jonathan Hale.

CREDITS: Producer, J. Walter Ruben; Director, George B. Seitz; Authors, Ralph Wheelwright and Commander Harvey Haislip; Screenplay by Wells Root and Commander Harvey Haislip; Cameraman, John Seitz, A.S.C.; Film Editor, Frank E. Hull; Art Director, Cedric Gibbons; Recording, Douglas Shearer; Musical Score, Edward Ward and David Snell; Costumes by Dolly Tree and Valles.

DIRECTION, Aces. PHOTOGRAPHY, Excellent.

Named Wolcott's Aides

Carroll Case and David Pardoll have been appointed special assistants to James Wolcott, Associate Producer of March of Time's forthcoming feature, "The Ramparts We Watch."

"What a Life"

with Jackie Cooper and Betty Field
Paramount 75 Mins.

(HOLLYWOOD PREVIEW)

WARM AND HUMAN STORY EXCELLENTLY PLAYED IS PERFECTLY AIMED AT FAMILY BIZ.

That well-meaning stage and radio character, Henry Aldrich, who is always getting into trouble through no real fault of his own, comes to the screen in the person of Jackie Cooper, who does splendid work. Producer-Director J. Theodore Reed has done an excellent job in picturizing the warm, human play, which deals with the trials and tribulations of Henry, who is a high school student. Betty Field gives an appealing performance in the role she created on the stage and Vaughan Glaser, also from the Broadway cast, is fine as the high school principal. James Corner, John Howard, Janice Logan, Lionel Stander, Dorothy Stickney, Lucien Littlefield, Kathleen Lockhart and Hedda Hopper are among the members of the cast. Charles Brackett and Billy Wilder fashioned an amusing screenplay, based on Clifford Goldsmith's play. Henry is anxious to take Barbara Pearson (Betty Field) to the high school dance, but his mother (Hedda Hopper) insists he must get the highest mark in an ancient history quiz before she will give him permission to go to the affair. Henry is tempted and cheats by looking at another student's answers. Henry's trick is discovered and he is expelled. The assistant high school principal (John Howard) sympathizes with Henry and realizes that basically Henry is a good boy. Musical instruments have been stolen from the school, and Henry is suspected. However, Henry unearths evidence that forces George Bigelow (Corner) to confess the theft. Henry's real interest is in drawing and an art school head agrees to give him free instruction.

CAST: Jackie Cooper, Betty Field, John Howard, Janice Logan, Vaughan Glaser, Lionel Stander, Hedda Hopper, James Corner, Dorothy Stickney, Kathleen Lockhart, Lucien Littlefield, Sidney Miller, Andrew Tombes, George Guhl, Arthur Aylesworth, Wilda Bennett, Bennie Bartlett, Kay Stewart, Leonard Sues, Eddie Brian, Janet Waldo, Betty McLaughlin, Douglas Fahy, Roberta Smith, Nora Cecil.

CREDITS: Producer, Jay Theodore Reed; Director, Jay Theodore Reed; From play by Clifford Goldsmith; Screenplay by Charles Brackett and Billy Wilder; Cameraman, Victor Milner; A.S.C.; Art Directors, Hans Dreier and Earl Hedrick; Film Editor, William Shea; Sound Recording, Earl Hayman and Richard Olson.

DIRECTION, Excellent. PHOTOGRAPHY, Very Good.

"5th Avenue Girl" Ahead 40%

"Fifth Avenue Girl" in pre-release engagements in its two opening spots outside of the Radio City Music Hall and resort towns is topping "Bachelor Mother" in gross by 40 per cent, home office said yesterday. Pix scored that increase at the Palace, Stamford, for a full week and is that percentage ahead of the previous Ginger Rogers starer in its first three days at the Fox, Philadelphia.

★ SHORTS ★

"Artie Shaw's Class In Swing"

Paramount 10 mins.

Swing At Its Best

The popular Artie Shaw, band maestro and one of the leading exponents of the increasingly popular school of swing music, provides the jive fans with everything they are looking for in this short. Professor Shaw breaks his band down and shows how it is put together. He takes the audience through the intricate fundamental phases of harmonizing and vocalizing, adding each piece to his band in the order of its importance in the general scheme. Shaw also gives an interesting demonstration of treatment of music to make it "swing." Band's numbers include one by Shaw's.

"Snuffy's Party"

Universal 7 mins.

Okay For Kids

Snuffy Skunk, the smelliest man in town, gives a party for his friends. They arrive in gas masks and promptly lock Snuffy out of his own house and get the party going. It starts to rain and Snuffy sees the dam break. He warns his friends and then builds an emergency dam in front of the house that saves the day. The guests are so relieved they allow Snuffy to come in to his own party. Produced by Walter Lantz.

"Breaking the News"

Paramount 10 mins.

Interesting Short

Madison Square Garden, with all its diverse sports engagements featured, provides the background for this short. A cavalcade of personalities and events are paraded across the screen with Ted Husing giving an interesting narration. Winter sports, rodeos, soft ball, hockey, fights, dog shows, horse shows, ice carnivals precision dancers swing bands and ballroom dancers are seen in action in the one and only sports arena of its type in the world. Short is good entertainment for audiences in general.

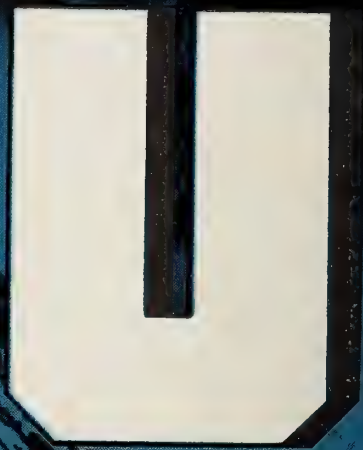
"Moocking Through Georgia"

with Buster Keaton
Columbia 19 mins.

Good Laughs

Buster Keaton is discovered as an old Civil War veteran, bragging to another about his exploits in that far away fracas. The actual shots of Buster's exploits show him anything but a hero, for with the help of another soldier, Monty Collins, he manages to gum everything up, get caught as a spy, and avoid being shot by the merest fluke. There are some very funny gags that seem to be entirely original with Buster. Produced and directed by Jules White. Story by Clyde Buckman.

TODAY'S U-BOAT TERROR MAKES



U 29

THIS THE YEAR'S TIMELIEST PICTURE!

Out of Europe's blackout of peace flashes
the inside story of ruthless submarine
warfare...intertwined with the strange ro-
mance of beautiful spy and gallant enemy!

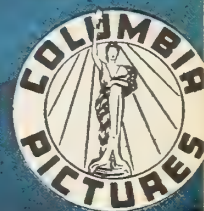
BOAT 29



with
**CONRAD VALERIE SEBASTIAN
VEIDT ★ HOBSON ★ SHAW**

Screen play by EMERIC PRESSBURGER
Directed by MICHAEL POWELL

A COLUMBIA PICTURE



NAT'L DIVORCEMENT LEGISLATION LIKELY

(Continued from Page 1)

convention program calls for the appearance of Federal and state legislators in addition to Boren. State Rep. George Miskovsky will outline a chain store regulatory bill which he will introduce at the next session of the legislature; according to Miskovsky, it will affect theaters.

Congressional contingent to appear, according to Orville Von Gulker, chairman of the organizing board, will include Reps. Wesley E. Disney, Will Rogers and Jed Johnson. State Rep. William High is also on the speaking list.

Others scheduled include Col. H. A. Cole, Allied's national prexy; Dr. W. B. Bizzell, prexy of the University of Oklahoma, and Dean A. B. Adams of the university's College of Business.

Ontario Not to Levy A War Admission Tax

(Continued from Page 1)

board of motion picture censors, told THE FILM DAILY yesterday.

A special session of the Ontario Legislature, opens today, to consider levying of special war taxes.

Hollywood Amusement Co. Fights Milwaukee's Ban

Milwaukee—The City Attorney's office in response to the action by Hollywood Amusement Co., Inc., seeking injunction to restrain Police Chief Joseph T. Kluchesky from interfering with operation of the movie game here holds that the Milwaukee City Code makes it the duty of police officers "with or without warrant" to seize lottery and gambling devices "whenever and wherever found."

The Hollywood concern besides seeking an injunction is also asking \$5,000 damages from the Police chief for interfering with what it contends is a legitimate business. Federal Judge F. Ryan Duffy will hold a hearing on the petition Friday.

Four More Pix Theaters In Prospect In Michigan

Detroit — Construction of four new theaters being planned was disclosed this week by Milton Strauss, theater financier. Moss Investment Co. will erect an 800-seat grind house, the Van Dyke, near the present Eastown in Detroit. Option has been taken on a lot for a 1,200-seat theater on Jefferson Ave., in River Rouge, near the present Lancaster Theater. Two other new houses are planned for upstate, by undisclosed parties, Strauss said. Construction on the Van Dyke is to start at once, and on the River Rouge theater later this year.

REVIEWS OF NEW FILMS

"Jitterbug Knights" (Color Rhapsody)

Columbia 7 mins.
Clever Scrappy Reel

Scrappy presents this offering, with a worried king waiting to hear about the birth of an heir. The king invited the Three White Fairies to bring gifts to the infant prince, but all he wants is the ability to be a first-class jitterbug. This wish the fairies grant, and soon all the attendants in the palace are staging a Jitterbug Jamboree. Directed by Sid Marcus.

"Big Fish"

Columbia 9 mins.
Exciting

An exciting reel of marlin fishing off the coast of Mexico. There are some swell thrills as the deep-sea hunters battle with three big fellows in succession, and after being near exhaustion, finally land their catches. Narrated by Jack Kofoed. Described by Dan Seymour.

"Silly Superstition"

Universal 7 1/4 mins.
So-So Cartoon

Little eight ball is warned by his black mammy that Friday the 13th is a bad day for things to happen and he had better be careful. He disregards the warning and goes out with his dog. A number of things happen to them, but they finally get home safely after being chased by a lion. A so-so reel.

"Boy Meets Joy"

with Joy Hodges and Pinky Tomlin
Universal 17 1/4 mins.
Scrambled Musical

Without much rhyme or reason, a melange of assorted musical acts with a female acrobatic dancer tossed in for good measure are seen in this short. Presentation is faulty. Joy Hodges and Pinky Tomlin sing and Tomlin's orchestra performs. The "Elderblooms," the harmonizing ladies whose ages run between 63 and 76, also sing one song. Lucille Page is the acrobatic dancer, and then suddenly near the end of the short a youngster named Mary Ruth is introduced and she plays a lengthy classical piece on the piano.

"Stranger Than Fiction"

Universal 9 mins.
Interesting Oddities

A fisherman who has what is probably the world's finest collection of fishing tackle, but can't fish because of doctor's orders opens the latest "Stranger Than Fiction" series release. We see a complete miniature circus with every detail perfect in color and scale made out of wood and other materials by J. E. Schreadley of Harrisburg, Pa. Then we see Mrs. Harrisong Usher busily pasting items in her scrapbooks about President F. D. Roosevelt, with more than a score of volumes already filled. Reel is concluded with sequences dealing with a pet quail and a boy who gargles with pool balls.

"Calling All Curs" (Three Stooges)

Columbia 18 mins.
Dizzy Fun

As proprietors of a ritzy dog hospital, the Stooges are on the spot when crooks steal a valuable French poodle owned by a wealthy society dame. To cover up, the Stooges take a mongrel and stick black hair all over its hide and deliver it to the owner. The fraud is discovered, and with the cops after them, the Stooges start on the trail of the crooks with a pack of hunting dogs. They find the kidnapped poodle happily nursing a litter of pups.

Popular Science (J9-1)

Paramount 11 mins.
Modern Magic

Scientific progress in new outlets for cotton, with special heavy roll like carpet laid down in asphalt road building. Then an ultra-modern kitchen with gearless egg-beaters, automatic ashtrays, portable refrigerators. A British hospital for women only, with women occupying every position from surgeons down. Then the giant Pacific clippers seen in closeup on their vast flight.

"Hydro Maniacs"

Paramount 10 mins.
Fair Sport Short

The boys who drive the fast outboards come before the cameras again in this one. The short has action and thrills and some amusing comedy sequences in it. The speeding maniacs are finally locked up as a menace to the general public. Ted Husing does the narration. Rates as fair.

"Sweet Moments"

Paramount 11 mins.
Pop Music

The music of Russ Morgan and his orchestra is a welcome relief for the fans who do not fully appreciate "swing." Claire Martin and Mert Curtis vocalize pleasingly with the Morgan orchestra as they introduce four new songs that are tuneful and pleasing. Picture has been given a good presentation.

"It's the Natural Thing To Do."

Paramount 7 mins.
Amusing Cartoon

Presenting the irrepressible Popeye, Olive and Bluto. Popeye attempts to erase his baser nature and become a sophisticated gentleman with the assistance of Bluto, who does likewise, at the behest of Olive. However, their inner natures rebel and it isn't long before they are back to their old tricks of beating each other up with abandon.

"Man-Made Jungle"

Universal 9 mins.
Unusual Nature Picture

Photographed at a jungle garden in Florida which was built by two

BUCK FIRST WITNESS IN NEB.-ASCAP SUIT

(Continued from Page 1)

conditions confronting authors and composers before the association was organized. He recounted legal entanglements with cabarets, phonograph record manufacturers, motion picture exhibitors and later with radio stations.

Buck told the court that Ascap's 1938 gross income from Nebraska was \$68,000, derived from 490 contracts in the state.

E. C. Mills, chairman of the Ascip administration, followed Buck on the stand, and told of his 17-year association with Ascip.

John G. Paine, Ascip's general manager, and Mrs. Ethelbert Nevin, widow of the composer, will be witnesses for Ascip today, with the State expected to begin presenting its case before the end of the day.

Louis Frohlich heads Ascip's counsel, with John Riddell of the Nebraska Attorney General's office, and William Hotz of Omaha appearing for the State.

Harris Circuit Managers Promoted and Shifted

Pittsburgh — Promotions and transfers among the Harris theater managers are announced by John H. Harris, general manager of this circuit as follows: Les Bowser, transferred from the Perry Theater, North End, to the Denis Theater, Mt. Lebanon; Sam DeFazio, of the Denis Theater, transferred to the Liberty Theater, East Liberty; John H. Hooley from the Liberty to the Perry; Ralph Craig, relief manager, replaces Robert Taylor at Reynoldsville, Pa., Taylor being transferred to DuBois. H. A. Dowan, former manager of the Harris Theater in DuBois, appointed a district manager, covering DuBois, St. Marys and Reynoldsville.

C S T to Improve

Lincoln, Neb.—M. E. McClain, district manager for Central States Theaters in Nebraska, said improvements and remodeling were planned for nearly every one of the 12 CST houses during the next six months. Probably to cost in excess of 30G's, he said.

B & K Tests Book Night

Chicago—First of the circuit's houses to adopt the plan, B & K's Norshore theater starts Book Night this week. It's a test of the encyclopedia giveaway.

men interested in duplicating a true tropical setting, this short is highly interesting. There are some 80 acres of tropical plants growing in profusion, but carefully laid out and landscaped. Many unusual plants and animals can be seen at the gardens. Park is open to visitors.

ARBITRATION CLAUSES' APPLICATION LIMITED

(Continued from Page 1)

provisions of the licensing agreements would tend to straighten out clearance difficulties, but this, the executive said, was a misconception. However, there is nothing to prevent the individual companies from exerting their own efforts to solve clearance disputes. Such an offer has been made by Warner Bros.

The arbitration clauses in the exhibition contracts concern two parties—the buyer and the seller—and sets up no provision for involving a third party, as a clearance arbitration ruling necessarily would do, he added.

"Lynton" Plagiarism Award Against Theater Reduced

(Continued from Page 1)

ater, for plagiarism in exhibiting the Metro picture "Letty Lynton" from April 29 to May 12, 1932.

Judge Leibel, in commenting on the award, which was granted by Special Master Kenneth E. Walser in favor of Edward Sheldon and Margaret Ayer Barnes, authors of the play, "Dishonored Lady," stated that he would reduce it to one-fifth because of a recent ruling by the U. S. Circuit Court in a similar suit brought against Metro-Goldwyn-Mayer Pictures Corp. which fixed the drawing power of the scenario as at that percentage. Special Master Walser was allowed \$1,000 for his services and O'Brien, Driscoll & Raftery, attorneys for the plaintiffs, were allowed \$1,500.

"Harvest" Opens Oct. 2

"Harvest," French pix being distributed here by the French Cinema Center, Inc., opens at the World Theater Oct. 2 under sponsorship of the Women's Shoppers League. Board of Regents okayed the film last week, reversing the State censors.

Completes "Katia" Sub-titles

Julian Leigh has completed English subtitles for "Katia," the French film starring Danielle Darrieux and John Loder, and Arthur Mayer and Joseph Burstyn who hold the American rights are planning its American premiere in New York.

"Fight for Peace" to Mono.

Monogram has closed a deal with Warwick Pictures to release "The Fight For Peace," a feature length narrative.

Long Enough

When Robert Montgomery, who arrived on the Washington yesterday from Europe, was asked how long he planned to remain in New York, the M-G-M star replied, "Just long enough to have a nervous breakdown."

Steel Mills' Better Biz Sends Grosses Up in Indiana-Illinois Circuit Theaters

Michigan City, Ind.—The box office in cities where the Indiana-Illinois circuit operates has already reflected the upturn experienced by steel mills, it was stated as circuit executives and managers met at the Spaulding Hotel here to set plans for a Fall business drive.

Alex Manta told the convention that the circuit's survey established newspapers as the best business building medium, with screen announcements rated second.

First Actual War Footage in Paramount News Special

(Continued from Page 1)

Embassy's screen. At the same time Paramount was speeding other prints of these newsreel war shots by plane to key theaters throughout the country.

Following the first screening on Broadway, there was absolute silence in the Embassy as though the audience had been stunned by what it had just viewed. The climax in the entire war reel was semi-closeup views of the German training ship Schleswig-Holstein in ceaseless attack on the Westerplatte Fort at the edge of Danzig.

The film, which was approved by British as well as German censors, opened with a study of a group of German bombing planes "somewhere in Poland," probably in the Cracow area. As the planes were shown taking off the camera caught individual airmen preparing to drop bombs. When these were started, another camera lens caught them plummeting through the air. A third camera evidently was stationed on the ground since the Paramount film discloses several direct hits.

Reel also included first shots from bombed Warsaw, made by Harrison and Dored, Paramount News cameramen; toll taken by the aerial raiders is graphically pictured. Polish censor passed the latter footage.

A. J. Richard, Paramount News editor, in commenting on the first war pictures said: "Obviously Paramount News can give no assurance that these pictures tell all the story. They are, however, presented as the first authentic battle pictures. These pictures are German-made, passed by German censors. These pictures were also passed by British censors."

NBC to Step Up Tele Program

National Broadcasting Company will step up its Fall television program, it was announced yesterday by Vice-Presy Alfred H. Morton. Effective Sept. 26, new W2XBS schedule will add one evening program per week with an additional evening show to be added later, at which time it will have afternoon and evening program five times a week.

It's Allison's House

Altoona, Pa.—R. Allison of Creson rather than the Rivoli Theaters Co., Inc., as reported, is building a new house in the Lyswen section here.

Ohio Moves to Enforce Wage Agreement Statute

(Continued from Page 1)

without further delay, the ITO of Ohio is advising its membership.

Statute which makes this mandatory was enacted this year but heretofore has not been enforced by the State Department of Industrial Relations.

Department has advised the ITO it will accept a memorandum between the employer and the affected employees setting forth the terms and conditions of employment.

Nat Wolf Holding Series of Managerial Parleys

Cleveland — Nat Wolf, Warner zone manager, is holding a series of regional meetings this week with managers of the houses in his zone. Meeting yesterday was at Lima for managers in Sidney and Findlay. This morning a meeting is being held in Springfield for managers of Springfield, Portsmouth and Chillicothe and this afternoon at Mansfield for managers in Mansfield, Coshocton, Lorain and Sandusky. Tomorrow's meeting at Canton is for managers of Akron, Canton, Massillon and Youngstown. City managers meeting will be held in Cleveland Thursday.

"Cavell" Tour Extended

S. Barret McCormick, director of advertising and publicity for RKO Radio, said yesterday that the preview tour of "Nurse Edith Cavell," with P.A.'s of Anna Neagle, had been extended to include Keith's, Boston, Friday. Last night's show place of the preview cycle was the Palace Theater, Chicago. Miss Neagle and Herbert Wilcox will be at Columbus on Wednesday, and they will fly to New York for the world's premiere at the Radio City Music Hall on Thursday.

Chicago—A dinner and reception for Herbert Wilcox and Anna Neagle was given at the Blackstone Hotel before the special showing of their film, "Nurse Edith Cavell," last night at the RKO Palace.

Harms Action Settled

Suit for an injunction, an accounting and damages, against Paramount Pictures Inc., and Famous Music Corp., brought by Harms, Inc., was settled and discontinued yesterday in the U. S. District Court. Harms had claimed the infringement of its song, "Tell Me More," by the defendants song, "Says My Heart," in the film "Coconut Grove."

"ONE BIG UNION" PLAN BEFORE 11 4A UNITS

(Continued from Page 1)

that Frank Gillmore, AAAA prexy, Ken Thomson, executive secretary of the Screen Actors Guild, Paul Dullzell, Equity executive secretary, and Leo Fischer, 4A exec., will attend the American Federation of Labor convention, opening Oct. 5 in Cincinnati. This move was taken as evidence that the organization plans to work closely with the A F of L and the IATSE in every way in the future.

Program which was presented last night embodied the following six points:

1. One membership card; one basic system of dues; with free choice of the performer as to his primary occupation.
2. Autonomy of occupational branches to conduct their own business, and discipline their own members.
3. Economy through merging of offices and activities in key cities.
4. Greater power to protect the individual performer through the massed strength of all performers.
5. Better organization facilities, capable of maintaining control of present performer fields and assuming control of new performer fields—such as television.
6. One national publication, to serve performers as an information and education medium and to state the performer's case before the public at the same time.

Present plans call for the publication of an official paper to be known as the 4A Actors News, to be published in New York and Hollywood. One issue has already been published with Edward Harrison in the editor's post.

Settle Assessment Dispute

A petition of Milton C. Weisman and Kenneth P. Stenreich, as trustees of Fox Theaters Corp., for leave to settle a dispute over assessments with New York City was granted yesterday by New York Supreme Court Justice Peter Schmuck. Dispute involved property of the Broadway and 165th St. Corp., owned by Fox Theaters, and the settlement allowed reduction of \$10,000 on assessments for 1936 and 1937.

Attention, Writers

Richard Thorpe, M-G-M director, who arrived from England yesterday on the Washington, told a couple of amusing stories regarding the crossing. The ship was loaded beyond her capacity and all cabins were filled with as many cots as they could hold. One couple went to the purser and explained they were on their honeymoon and pleaded for a stateroom by themselves. To which the purser said, "Sorry but the best I can do for you is to let you have a table for two."

Another yarn concerned two girls who were put in a cabin with three men. The girls complained to the purser, arguing that as long as they had to share a cabin with men, why couldn't they pick some men whom they knew?

FLASH!

St. Louis, Sept 14—Crowds
choke 4600-seat St. Louis
Theatre here trying to see
new uncensored version of
"All Quiet on the Western
Front" in test engagement!
Business five times normal
gross!

YOU CAN'T

The guns spew again! Men are mad
again! The world faces a crimson hell
again! Millions want to know—*what does
it all mean?*

And the answer is here!

AN ANSWER—uncensored, showing what had
to be hidden before!

AN ANSWER—up-to-date, penetrating behind the
screaming headlines of today!

AN ANSWER—more vital, echoing the thoughts that
fill the minds of men now!

**THE GREATEST WAR PICTURE OF ALL TIME
—MORE TIMELY NOW THAN EVER BEFORE!**

UNIVERSAL HAS PRINTS READY NOW!

BLACKOUT TRUTH!

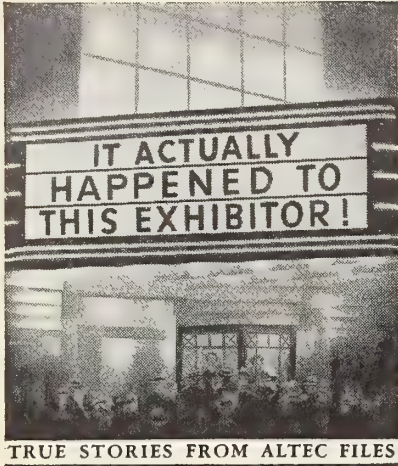
At Last!
The **UNCENSORED*** Version

ALL QUIET ON THE WESTERN FRONT

*Uncensored by war or military authorities!

Universal's presentation of Erich Maria Remarque's Greatest Novel
Directed by Lewis Milestone • A New Universal Picture

NEW ADS, TRAILER, ACCESSORIES, READY NOW!



O. A. KAHER
Manager,
Masonic Theatre,
New Bern, N. C.

Sound, Acoustics, "Periscope," Aid Oldest U. S. House

NEW BERN, NORTH CAROLINA—"With the exception of three years during the civil war, our theatre, the oldest in America, has been in continuous operation since 1812," said O. A. Kafer, manager of the Masonic Theatre here. "We also have one of the oldest sound equipments in use."

"The new Altec modification plan, applied to our sound system in the last few months, has brought about a very noticeable improvement in the high and low frequencies, and we notice a new clarity in both music and voice."

"When we remodeled our auditorium recently, our Altec inspector, M. F. Harrod, gave us invaluable assistance, in planning the proper acoustical treatment, lighting effects and wiring changes."

"Also, the observation port holes in the projection room are only 30 inches from the floor. Harrod designed a periscope consisting of a system of mirrors, which permits a full view of the screen at standing height for our projectionists."

Without obligation to yourself, the Altec inspector in your vicinity will gladly explain how the quality of sound reproduction from the equipment now in your theatre can be improved.

ALTEC
SERVICE CORPORATION

250 West 57th Street, New York City

THE SERVICE ORGANIZATION
OF THE MOTION PICTURE INDUSTRY

A "Little" from "Lots"

By RALPH WILK

HOLLYWOOD

Roach to Direct Griffith Pix
HAL ROACH personally will direct "1,000,000 B. C.," D. W. Griffith's first production under the Roach banner. Griffith has written a screen adaptation from a French novel by Eugene Roche, and is considering Victor Mature, who last was seen in Roach's "The Housekeeper's Daughter," for the male lead. The picture will go before cameras this Fall.

Griffith Finds Border "Veldt"
With bottom lands along the Arizona-Mexico border almost identical in appearance with certain portions of the East African veldt, Edward H. Griffith has arranged to shoot a large number of his scenes for "Safari," which he directs for Paramount, in the more local area. However, Griffith will also use large numbers of shots actually taken in Africa especially for the film, which will star Madeleine Carroll and Douglas Fairbanks, Jr.

Keeping Charlie Ruggles Busy
Next year already augurs well for Charlie Ruggles, as the actor was notified yesterday that Paramount had exercised its option on his services for another production on the 1940 list. Ruggles is currently featured at Paramount in "The Farmer's Daughter," and following that moves over to Columbia to play a dramatic role in "The Rumpelhearts of Ramplar Avenue," which his brother, Wesley, will produce and direct.

New Ann Sheridan Vehicle
Warners have acquired "Married, Pretty and Poor" as a starring vehicle for Ann Sheridan. It probably will be a late Fall or early Winter production to allow some time off for Miss Sheridan.

Aherne In Small's "My Son"
Brian Aherne has been signed to play the leading role of William Essex in "My Son, My Son!" Actual camera work on the Ed Small pix is scheduled to begin in four weeks.

Jimmy Lydon In "Sunset"
Jimmy Lydon, 16-year-old actor, has been signed by Producer Cliff Reid for one of the two leading roles in RKO Radio's "Sunset." Jimmy, who recently has been appearing on the "Bob and Betty" radio program in New York, is now en route here with his mother, Mrs. Mary Lyndon.

Columbia Readies Serial
"The Shadow," is the tentative title of a new chapter play which Columbia will shortly place in work. Norman Deming and D. Ross Lederman will direct.

Hale In "Fighting 69th"

Alan Hale has been assigned an important part in "The Fighting 69th," Warners picture starring James Cagney which goes into work Wednesday under direction of William Keighley.

Keaton In Columbia Shorts

Buster Keaton has been placed under a new contract, which marks his return to Columbia's two-reel comedy fold for the 1939-40 season. Clyde Bruckman has been assigned to draft the first vehicle for the frozen-face comic.

Buildup for Brenda Marshall

After watching Brenda Marshall's performance in "Espionage Agent," Charlie Einfeld, Warner publicity and advertising head, has ordered his department to give her a national build-up. Miss Marshall makes her screen debut opposite Joel McCrea in this picture, which is scheduled for national release Oct. 7.

"Hell's Angels" In Demand

Lou Goldstein of Astor Pictures has booked "Hell's Angels" for Rox. Theater, L. A., Elysian, L. A., Vogue, Hollywood, Rosemary, Ocean Park, Rex, Bakersfield, San Fernando Theater, San Fernando, and entire Edwards Circuit of 21 theaters.

Philip Winter In "Rebecca"

Philip Winter has been signed by David O. Selznick to play the part of Robert in "Rebecca." This is his first screen role.

Meins as Producer-Director

At Republic Gus Meins is going to produce as well as direct the next Higgins Family picture.

Watson On "Heroes in Blue"

William Watson has been signed to direct Monogram's "Heroes in Blue." This feature is the first in a series that T. R. Williams will produce for Monogram release under the Sherwill Production banner. Charles B. Williams and Charles Curran wrote the original story and former did the screenplay.

Satirical Revue as Opener

"What's New?" a topical satirical revue by Gene Stone and Jack Robinson will open the new Montmartre Theater in Hollywood Oct. 15.

Plays First "Heavy"

Carl Esmond, noted for his romantic roles in European productions appears for the first time as a heavy in Metro's newest film "Thunder Afloat."

D OF J TO CONTINUE N. Y. ANTI-TRUST DIV.

(Continued from Page 1)

since Jan. 1 and said emphatically there is no intention of closing it down.

The Assistant Attorney General said there is no branch of the division in New York per se, the agents there working out of the D of J's office.

Managerial Realignment Announced by Tri-States

Des Moines, Ia.—Tri-States Theaters announced a general shifting of its managers in Des Moines and several outside houses.

A. Don Allen, manager of the Des Moines theater in Des Moines, has gone to Omaha to succeed Ed Forrester at the Omaha theater. Forrester has resigned to take up fiction writing.

Allen's place is being filled by Harry Holdberg, manager of the Paramount in Des Moines. Ed Dunn, of the Strand theater in Waterloo, Ia., moves to the Paramount. Maurice Crew, who has been operating the Hiland in Des Moines since it was built a year ago, will move to the Strand in Waterloo. Bob Leonard, manager of the Garden, transfers to the Hiland. Tony Abramovich, assistant manager at the Garden, moves up to take charge there.

Alpine Circuit Plans to Renovate 12 Houses

Pittsburgh—The Alpine Theater Circuit, operated by Charles Anderson and comprising 12 theaters throughout West Virginia and Western Pennsylvania, will renovate (re-model where necessary and enlarge others), each of its houses, this work to be started immediately and be completed by the end of the current year.

Ann Sheridan P. A. Tour

As a follow-up in its "oomph girl" campaign, Warners is sending Ann Sheridan East on a four-city P.A. tour opening at the Strand Theater, New York, coincidental with the Broadway premiere of "Dust Be My Destiny" on Oct. 5. After playing the Warner house for two weeks Miss Sheridan will appear in Philadelphia, Washington and Pittsburgh, her dates coinciding with engagements of "Dust Be My Destiny."

Indianapolis Lyric Reopens

Indianapolis—The Lyric Theater will re-open Friday after more than two months of darkness. Wage increases will be paid to stagehands, musicians and projectionists when the house re-opens, it was announced by Ted Nichols, manager. Fifty-two regular employees of the theater will return to work on a pay roll of \$2,000 a week.

WAR STYMIES ODEON DEAL FOR PARA. THEAS.

(Continued from Page 1)

from Europe on the Washington. Griffis, himself, was not familiar with the status of the Odeon situation inasmuch as he had been "manned" in France for 10 days before sailing.

Griffis said upon his arrival that "nobody could predict" what effect the war will have on the U. S. industry. It may help and, on the other hand, it may injure the business but it is too early to say, he added. Paramount had no pictures in work either in France or England when hostilities broke out and so there were no half-completed features that might have been scrapped. All production is at a standstill and the studios are closed, although the London office is functioning out of a suburban headquarters.

Griffis said that he and his bride, the former Whitney Bourne, had tried to get passage on a ship for 10 days before getting booked on the Washington. There were air raid warnings every night in Paris and a night's sleep was impossible, he said, adding that "everybody was jittery."

The Washington was closely packed with refugees from Europe. Griffis said he spent part of the homeward voyage in a cabin with five others, who included two priests, one Japanese, one Chilean and an art dealer of some nationality he did not know. Later he managed to acquire a "two-by-four" cabin belonging to the assistant refrigeration engineer of the ship. The swimming pool was filled with cots which accommodated a large number of passengers. Others, he said, slept on deck, in the social cabins or wherever a cot could be placed. Mrs. Griffis was obliged to share a cabin with other passengers.

Griffis told the trade press reporters that they probably knew more about the picture situation abroad than he did, inasmuch as he could make no contact either by telephone or telegraph with London. All he could say was "We're mighty glad to be home."

Anne Stuart Dead

Lincoln, Neb.—Anne Stuart, 63, one-third owner of the Stuart, ace house here, and member of one of the midwest's wealthiest families, died here this week. Her brother, Charles, who handled the investments of the family and built the theater, preceded her in death by a year.

Biz Up 60 Per Cent

Cleveland—First "flesh" show of the season at the RKO Palace, with Artie Shaw's ork, was a whopping success. With "I Stole a Million" as the screen half of the program, business jumped 60 per cent over average.

Free Shows Using Commercial Films Do Virtually Fadeout at Mich. State Fair

Detroit—Use of commercial pix free shows at the Michigan State Fair, which have played to around 300,000 in recent fairs, dropped drastically this year, with only one theater reported on the grounds, instead of the six to 10 shows of recent years. Chevrolet had a 350-seat theater showing entertainment shorts and commercials, with the show produced by Jam Handy Picture Service. With 20 shows a day, this theater played to about 50,000 in 10 days.

QATI Re-elects Norrish; Beaulac, Managing Director

Montreal—Quebec Allied Theatrical Industries Inc., at its annual meeting in the Mount Royal Hotel, re-elected Ben E. Norrish, of Associated Screen News, president, and elected the following officers: J. A. De Seve, France Films, 1st vice-president; George Ganetakos, United Amusement Corp., 2nd vice-president; E. N. Tabah, Confederation Amusements, treasurer. Eugene Beaulac was appointed managing director and secretary, and commences his new duties immediately.

The executive committee was elected as follows: Arthur Hirsch, Consolidated Theaters, Chairman; George Ganetakos, J. A. De Seve, T. H. Trow and N. N. Lawand. Other directors elected were: D. Paquin, C. H. Brock, William Lester, R. P. Robert, Oscar Thuot, Leo Choquette, A. E. Gregoire, Alex. Adilman, George Rotsky and B. C. Salamis.

Addresses in which the future activities of the association were discussed were given by Alban Janin, Ben E. Norrish, J. A. De Seve, James O'Loughlin, Leo Devaney, Haskell Masters, L. Rosenfeld, Arthur Hirsch, George Ganetakos and N. N. Lawand.

Strand, Youngstown, Reopens

Youngstown, O.—Strand Theater, redecorated and refurbished, has reopened under management of Jack Steinberg, operator of the Harbor Theater in Ashtabula. His father, Harry Steinberg, owns the Home Theater in Youngstown. The new management has installed new wider-spaced rows of seats with air-cushions, and upholstered backs, RCA sound installation, padded panels on sides of theater to improve acoustics, and indirect lighting. Interior is blue, ivory, and gold, and lighting is of neon type. Double features are offered.

To Show Foreign Pix

Indianapolis—The Filmarte Guild Wednesday announced its second opening of foreign film "evenings" to be held monthly in the Athenaeum ballroom. French and English films will be shown. Attendance at each performance will be restricted to 400.

Overman to Goldberg

Omaha, Neb.—Milton Overman, city manager for the L. L. Dent-Westland Theaters in Pueblo, Colo., for the past two years, resigned as of Oct. 1, and joins the Ralph Goldberg circuit in Omaha.

Braunstein, Irwin Pizor Now on Imperial Board

Washington Bureau of THE FILM DAILY
Washington—Imperial Pictures, Inc., has filed with SEC notice of two changes on its board of directors and of the substitution of a revised prospectus for the prospectus formerly in use.

Nathan Braunstein, it was stated, has replaced Edwin J. Smith as a director and Irwin Pizor has replaced Robert Mintz in the same capacity.

The revised prospectus provides for the sale of common stock offered as a special initial offering at \$1.50 per share. Of 424,000 shares, there has been sold up to July 31 last, 11,002 shares, it was reported. The par value of the common stock is \$1 per share.

Can Convert Non-Color Tele to Employ Lorenzen System

New natural color television system upon which patent has been allowed to Robert Lorenzen employs a photoelectric cell system at the transmitter and a cathode ray system at the receiver, it was learned yesterday.

This makes it possible to utilize with only slight change the present cathode ray non-color tele systems, and means that the latter can be readily converted to natural color systems without major change.

George H. Callaghan, joint owner with Lorenzen, will market the patent.

Thomas H. Scott Dead

Montreal—Pioneer in Toronto theatrical circles, Thomas H. Scott, 83, died Saturday. Originally from England he was attached to the Great Southern Circus 40 years ago and was later associated with the Grand Opera House, Toronto. He was a pioneer for lighting systems in large auditoriums.

Lind Funeral Tomorrow

Funeral services will be held tomorrow at 2 p.m. in Fairchild Chapel, Garden City, for Lawrence O. Lind, father of Lloyd L. Lind who is assistant to George W. Weeks, Monogram's vice-president in charge of sales.

Resener Hurt In Crash

Indianapolis—Edward Resener, director of the Lyric Theater orchestra, received severe cuts about the face when his car was struck from the rear by a truck.

AMEND REGULATIONS FOR SHIPPING FILMS

Amendment to shipping regulations, affecting all motion pictures and equipment destined for foreign markets, was received in New York yesterday from the Bureau of Foreign and Domestic Commerce of the Department of Commerce, through Nathan D. Golden, chief of the motion picture division.

The amendment provides that all shippers' Export Declarations shall be filed after Oct. 1, in advance of clearance.

Under "Title 46 Shipping," provision S.60 of Subchapter A, dealing with Documentation, Entry and Clearance of Vessels, which is a part of Chapter 1, Bureau of Marine Inspection and Navigation, is amended to read:

"Any vessel taking on cargo for a foreign port, or a port in non-contiguous territory, and all shippers' export declarations covering cargo laden on board have not been filed, may, by application to the collector of customs on Commerce Form 1378B and the execution of the bond thereon, with security approved by the collector of customs as provided in Section 4200 R.S. as amended, be granted clearance; PROVIDED, however, that during any period covered by the Proclamation of the President that a state of war exists between foreign nations, no vessel shall be cleared for a foreign port until all shippers' export declarations covering cargo laden thereon shall have been filed with the collector."

The following information to exporters and others concerned, covering all exports which apply only to those through the port of New York, has been issued by the Assistant Collector of the Port of New York:

"(1) Effective (after Sept. 7, 1939), Shippers' Export Declarations, Customs Form 7525 (identical with Commerce Form 7525), will be filed in triplicate instead of duplicate as heretofore;

(2) All cargo must be laden under the supervision of Customs officers. It is, therefore, essential that Export Declarations must be received by the inspectors prior to the lading of the packages;

(3) The triplicate copy will be used as a notice of shipment to the lading inspector and will be transmitted to him by a Customs messenger;

(4) Exporters should realize the necessity of having those Shippers' Export Declarations filed timely in order to avoid delays."

Brewer Re-named

Lincoln, Neb.—Roy M. Brewer, movie operator at the Grand, Grand Island, was elected president of the Nebraska Federation of Labor in convention here this week. It was his fourth successive term, and election was unanimous.

Nothing short of sensational!

"THE RAINS CAME"

FIRST DAY OF HOLDOVER

WEEK AT ROXY ACTUALLY

TOPPED OPENING DAY OF

**RUN ...after 1st week smashed
"Jesse James" record by
more than \$6,000! • And
*early-run reports from every-
where show the same kind of
record-breaking business!***



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THE Film DAILY

Intimate in Character
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Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 56

NEW YORK, WEDNESDAY, SEPTEMBER 20, 1939

TEN CENTS

"Keep This Country Out of War", Urges MPPDA Prexy NEW MGM SALES POLICIES EMBODY CODE REFORMS See Commerce Dept. as Anti-Trust Suit Intermediary

Compromise Settlement Formula Reported as Parley Objective

Washington Bureau of THE FILM DAILY

Washington—Despite earlier denials that the discussions instituted by the Department of Commerce with film industry execs. would affect in any way pending anti-trust law litigation, it was reported in usually well informed circles yesterday that a compromise settlement of at least the Government's equity suits was an objective.

Tip-off on the D of C activity in relationship to the Department of

(Continued on Page 6)

NEW HEAD FOR N. Y. ANTI-TRUST OFFICE

Berkley W. Henderson, head of the New York office of the anti-trust division of the Department of Justice, and his assistant, William McGovern, will be transferred to Washington on Friday it was indicated yesterday by department officials. Fred Whalen in all likelihood will be named head of the New York office to replace Henderson, it was reported. Thurman Arnold, Assistant Attorney General,

(Continued on Page 9)

New Jersey Allied Calls for Product Deal Caution

Allied of New Jersey members yesterday were advised to "use caution" in making new product deals in the face of the present unsettled times. At a luncheon meeting of the unit, it was asserted that the

(Continued on Page 9)

Gov't Files Memorandum in Griffith Trust Action

Oklahoma City — Government's suit against the Griffith Amusement Co., affiliated circuits and major distributors, took another step to

(Continued on Page 9)

Hays on Government Regulation

Key sentences from Will H. Hays' address before the 17th Regional Trust Company Conference of the Pacific Coast and Rocky Mountain States in Los Angeles last night:

"In a democracy there is one and only one principle that should determine the degree to which government should attempt to regulate the practices of business and industry . . . namely, that the nature and extent of government regulation of business should be determined by the public good."



WILL H. HAYS

" . . . if two or more groups are in competition and one is seeking to gain advantages over the other by Government regulation, then it is clearly not the business of the government to take sides."

"Size is not sinfulness. Big things can be good—and little things can be bad."

"Every business and industry which is fair and honest, which is motivated by the desire to serve and not to exploit, should neither be the subject of unwarranted legal and legislative attack, nor subject to possible loss of public prestige by such attack."

"A true government is not just the protector of an innocent public against rapacious

(Continued on Page 12)

Dramatists Guild Council to Study Purchase Plan

New plan covering purchase of plays by film companies with several clauses concerning advance payments and royalty payments revised in form will be studied by the Dramatists Guild executive council at a meeting today, it was learned last night.

Plan calls for a payment of \$15,000 to authors, to be made in three installments. After the contract is

(Continued on Page 9)

Hays Pleads for Peaceful America, Holds Gov't Has Duty to Pix Industry

Murphy, Banquet Speaker for M. P. Democratic Com.

West Coast Bureau of THE FILM DAILY
Hollywood — Attorney General Frank Murphy will be the principal speaker at the Motion Picture Democratic Committee banquet next Mon-

(Continued on Page 9)

By RALPH WILK

West Coast Bureau of THE FILM DAILY
Los Angeles—A fervent prayer that "through a supreme act of national will men and women of all political shades of opinion shall firmly and unitedly resolve at all costs to keep this country out of war" was voiced by Will H. Hays, MPPDA

(Continued on Page 12)

Increased Elimination Privileges Are Offered to Exhibitors

Embodying many of the important provisions of the proposed trade practice code, including the cancellation clauses in their entirety, M-G-M last night announced its selling policy for the current season's product. Terms of the new conditions will be added to a new form of license agreement now being prepared and a rider will be submitted for the signatures of those who desire to operate under the sales policy.

While no method of settling clearance disputes or those affecting over-buying is included in the new conditions, it is pointed out that the

(Continued on Page 9)

UNIVERSAL DRAFTING ARBITRATION CLAUSE

A method of arbitrating contract disputes is being devised by Universal's attorneys, it was learned yesterday. It is understood that if a legally workable plan can be worked out, Universal will add an arbitration clause to its licensing agreements with exhibitors. The

(Continued on Page 12)

20th-Fox Closes Product Deals With 13 Met. Chains

Product deals with 13 of the major circuits in the Metropolitan area have been closed by William Sussman, Eastern division manager for

(Continued on Page 9)

Morros Reported Talking Four Pix Pact With RKO

Boris Morros is reported to be talking a four-picture deal with RKO. The producer said yesterday that negotiations were progressing

(Continued on Page 9)

THE FILM DAILY
ALL THE NEWS
ALL THE TIME

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.				
Col. Picts. vtc. (2 1/2%)	7 3/4	7 1/8	7 3/8	+ 1/8
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/8	1 1/8	1 1/8	
Con. Fm. Ind. pfd.				
East. Kodak	156 3/4	155	156 1/2	+ 1/2
do pfd.	162	162	162	+ 2
Gen. Th. Eq.	9 7/8	9 1/8	9 1/2	
Loew's, Inc.	34 1/2	33 3/8	34 1/4	- 1/4
do pfd.	103 1/4	103	103	- 1/2
Paramount	7 7/8	7 3/8	7 1/2	
Paramount 1st pfd.	80 1/4	80 1/4	80 1/4	- 3/4
Paramount 2nd pfd.	8 1/2	8 1/2	8 1/2	+ 1/8
Pathe Film	11 1/8	10 3/8	10 3/4	+ 5/8
RKO	13 1/4	13	13 1/4	
20th Century-Fox	13 1/8	13 1/2	13 1/2	
20th Century-Fox pfd.	24	24	24	+ 1 1/4
Univ. Pict. pfd.				
Warner Bros.	4 1/8	4	4	
do pfd.	43	43	43	- 1

NEW YORK BOND MARKET

Keith B. F. ref. 6546	100	100	100	
Loew's deb. 3 1/2% 46				
Para. B'way 3555	45 3/8	45 3/8	45 3/8	- 2 3/8
Para. Picts. 6555				
Para. Picts. cv. 3 1/4% 48	78	78	78	
RKO 6541	60	58	58	+ 3
Warner Bros. cv. 6539				
Warner Bros. db. 6548				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 1/4	1 1/4	1 1/4	
Technicolor	12	11 3/4	12	+ 1/4
Trans-Lux	1 1/2	1 1/2	1 1/2	- 1/8
Universal Corp. vtc.	3	3	3	
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	101 3/4	
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	63	66
Roxy Thea. Bldg. 4s 1st '57	57 1/2	60

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SECURITY

"Night of Stars" Program Will be Lined Up Tuesday

Campaign to make the "Night of Stars," annual benefit for Jewish refugee settlement in Palestine, a success transcending that of all former years, was formally launched yesterday at a luncheon in the Hotel Astor with U. S. Housing Administrator Nathan Straus presiding and acting as host.

The huge show will be staged on Nov. 15, with the aid of all branches of the amusement world, many of whose leaders were in attendance yesterday among the total of some 400 entertainment, business and civic notables.

In addition to Nathan Straus, addresses were delivered by Louis Lipsky, chairman of the administrative committee of the United Palestine Appeal; Mrs. Joseph Stroock, women's committee head; Marvin H. Schenck and Ben A. Boyar, chairmen of the producing committee; and Samuel Blitz, executive director of "Night of Stars."

The producing committee, it was decided, will meet on next Tuesday at 4:30 p.m. in Marvin Schenck's offices to line up the program which will be supported by the theater and motion picture divisions.

Ascap Finishes Testimony; Nebraska's Turn Today

Lincoln, Neb.—Ascap completed presentation of its case in its suit against the constitutionality of Nebraska's anti-Ascap statute late yesterday, and the State will go to bat today.

Five witnesses were on Ascap's call—E. C. Mills, chairman of the association's administrative committee; John G. Paine, general manager; Ernest Priessman, orchestra leader; Harry Taylor, theater and night club operator; and Mrs. Ethelbert Nevin, widow of the composer.

Paine's most striking statement was that audits of 200 radio stations, selected at random, showed a deficiency of \$1,138,000 in gross income on which Ascap's percentage is figured, some of which is of Nebraska's origin.

Interstate Will Erect Tyler, El Paso Theaters

Dallas—Pettigrew & Worley, Dallas architects, are completing plans for four theater buildings. At Tyler, they will supervise the construction of an \$80,000 house with 1,000 seats on two floors for Interstate Circuit. At El Paso, there will be built a 750-seat theater for the same owners at a cost of \$30,000. This house will also have two floors. At Amarillo, a \$20,000 theater will be built for A. H. Truett, containing 600 seats on one level. A 800-seat house is being built at Port Arthur for Lee Threet at a cost of \$50,000. All seats in this house will be on one floor.

Bookers Club to Elect

Chicago—Chicago Bookers Club will elect on Sept. 26.

Palumbo Low Gross Winner At Warner Club Tourney

Leonard Palumbo, the golfing wizard of the Warner Club, took first honors at the Club's sixth annual golf tournament at Glen Oaks Country Club, Great Neck, L. I., yesterday, at which there was a turnout of 150 persons—largest attendance in the Club's history.

Gradwell L. Sears, sales manager, was master of ceremonies at the dinner and afterwards presented the awards.

Winners of the tourney were: First low gross, Leonard Palumbo. First low net, Class A, Jules Girden. First low net, Class B, Al Blum. Nearest to pin, Ed Schreiber. Longest drive, Lester Rieger. Putting contest winner, Gene Werner.

Best dressed golfer, Sam Rinzler, an exhibitor.

Among executives who attended the tourney were:

Maj. Albert Warner, Harold Bareford, I. F. Dolid, H. M. Doherty, S. P. Friedman, Jules Girden, John Glynn, Roy Haines, Ed Hinchy, Joseph Hummel, Saul Immerman, Barney Klawans, Stewart McDonald, Karl Macdonald, Norman Moray, T. J. Martin, Frank Phelps, Harry Rosenquest, C. C. Ryan, Harold Rodner, Leonard Schlesinger, Arthur Sachson, Herman Starr, Sam Schneider, Ed Schnitzer, Abel Vigard, Rudy Weiss, Jacob Wilk and Jack Warner, Jr.

A number of exhibitors attended, among them being Sam Rinzler and Lou Frisch. Ben Bernie and his orchestra furnished the music.

Four A's Executive Council Again Meets on "Big Union"

With a definite program already approved by the AAAA member unions as their consolidation objective, a further meeting of the executive council will be held tonight to discuss the financial structures of the different member unions. Working out of financial plan to encompass all the member unions is the principal wrinkle remaining to be ironed out.

Ken Thomson, SAG executive secretary, and Laurence Beilenson, SAG attorney, are expected here within the next two weeks to sit in at further huddles on the new setup. Thomson, along with other AAAA execs., will attend the A F of L convention in early October.

Carolina Theater Owners Will Convene on Dec. 3-4

Charlotte—Winter convention of the North Carolina-South Carolina Theater Owners Association will be held in Charlotte Dec. 3-4, it is announced by Mrs. Walter Griffith, secretary-treasurer. Approximately 450 theaters will be represented.

Joseph Bernhard Recovers

Joseph Bernhard, Warner Theater head, returned to his desk yesterday after having been ill at home with the grippe since Friday.

COMING AND GOING

FRANK MURPHY, Attorney General, will fly from Washington to Los Angeles to attend the banquet Monday night of the M. P. Democratic Committee.

J. R. McDONOUGH, vice-president of RKO Radio Pictures, has arrived from the Coast on a visit to the home office.

LOUIS NIZER, prominent film attorney, returned to New York following a South American cruise.

FRANK J. A. McCARTHY, Universal's Eastern sales manager, left New York yesterday for New Orleans and Dallas, and will return in about a week.

IRENE RICH is in town from the Coast.

FRED ULLMAN, JR., vice-president of RKO Pathe, has returned to his local office from Kansas City where he made arrangements for filming of a new Reelism subject.

AL HERMAN, New York district manager for Universal, returned to the home office yesterday from Washington, D. C.

FRANK DONOVAN, RKO Pathe production manager, is back in town after a Coast visit.

MRS. ALLAN McMARTIN, the former Margot Grahame, has arrived in New York from her home in Bermuda and is at the Sherry-Netherland.

THOMAS MURRAY, Universal exchange executive, returned here yesterday from an inspection trip to the Dallas exchange.

L. J. LUDWIG, Paramount associate with the Minnesota Amusement Co., Minneapolis; MARY ALYCE WATTS, secretary to George E. Planck of the Northio Theaters Corp. of Marion, Ohio; and KERMIT HIGH, manager of the Carolina Theater, Burlington, N. C., were among yesterday's visitors to Paramount's World's Fair lounge in the home office.

FREDRIC MARCH, who closes Saturday night in the stage play, "The American Way," is expected to attend the banquet of the M. P. Democratic Committee in Los Angeles Monday night.

France Exempts Newsreels From Import License Decree

Imports of newsreels into France are exempted from the import license requirement established by decree of Sept. 1, but remain subject to the exchange certificate requirement and censorship, according to a notice to importers published in the Journal Officiel, reported by cable from the American Embassy at Paris and released yesterday by the Department of Commerce.

It is understood that other motion picture films remain subject to the import license requirement, as well as to the recently announced general exchange control.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 20

John W. Hicks
Florence Ryerson
Marion Nixon
Elliott Nugent
X. F. Sutton

NORMA SHEARER • JOAN CRAWFORD • Rosalind Russell in **"THE WOMEN"** with Mary Boland • Paulette Goddard • Phyllis Povah • Joan Fontaine • Virginia Weidler • Lucile Watson • From the Play by Clare Boothe • By Arrangement with Max Gordon Plays and Pictures Corporation • Screen Play by Anita Loos and Jane Murfin • Directed by George Cukor • Produced by Hunt Stromberg.

EDWARD G. ROBINSON in **"BLACKMAIL"** with Ruth Hussey • Gene Lockhart • Bobs Watson • Screen Play by David Hertz and William Ludwig • Directed by H. C. Potter • Produced by John W. Considine, Jr.

WALLACE BEERY in **"THUNDER AFLOAT"** with Chester-Morris • Virginia Grey • Screen Play by Wells Root and Commander Harvey Haislip • Directed by George B. Seitz • Produced by J. Walter Ruben.

"DANCING CO-ED" with Lana Turner • Richard Carlson • Artie Shaw and his Band • Ann Rutherford • Lee Bowman • Thurston Hall • Leon Errol • Directed by S. Sylvan Simon • Produced by Edgar Selwyn.

"The Women"
Cold-over Hit!

"Blackmail"
Socko!

"Thunder Afloat"
World-Premiere
Washington, D. C.
Sensational!

"Dancing Co-ed"
Sweet and Hot!

FRANCHOT TONE & ANN SOTHERN in **"FAST AND FURIOUS"** with Ruth Hussey • Lee Bowman • Allyn Joslyn • John Miljan • Bernard Nedell • Mary Beth Hughes • Original Screen Play by Harry Kurnitz • Directed by Busby Berkeley • Produced by Frederick Stephani.

"Fast and Furious"
Swell!

GRETA GARBO in **"NINOTCHKA"** with Melvyn Douglas • Ina Claire • An Ernst Lubitsch Production • Screen Play by Charles Brackett, Billy Wilder and Walter Reisch • Based on the Original Story by Melchior Lengyel • Directed by Ernst Lubitsch.

"Ninotchka"
Surefire!

Groucho-Chico-Harpo MARX BROS. **"AT THE CIRCUS"** with Kenny Baker • Florence Rice • Eve Arden • Margaret Dumont • Nat Pendleton • Screen Play by Irving Brecher • Directed by Edward Buzzell • A Mervyn LeRoy Production.

Marx Bros. "At The Circus." Big!

MICKEY ROONEY & JUDY GARLAND in **"BABES IN ARMS"** with Charles Winninger • Guy Kibbee • June Preisser • Grace Hayes • Betty Jaynes • Douglas McPhail • Rand Brooks • Leni Lynn • John Sheffield • Screen Play by Jack McGowan and Kay Van Riper • Based on the Play by Richard Rodgers and Lorenz Hart • Directed by Busby Berkeley • Produced by Arthur Freed.

"BABES IN ARMS"
HOUSTON
PREMIERE
BIGGEST
IN 5 YEARS!

METRO-GOLDWYN-MAYER

and turn the page please

THE FRIENDLY COMPANY REAFFIRMS

*its previously announced
policy of:*



Not insisting upon short subject, newsreel or trailer representation as a condition of licensing its feature productions, and to those who do lease these units the Weekly Payment Plan is optional.

That score or recording charges will not be made on any contracts for its 1939-40 product signed subsequent to January 1st, 1939.

That it will gladly negotiate for some run of its product with any properly conducted theatre, providing the acquisition of such business would not seriously affect its revenue from any prior run.

That it will recognize the desires of its customers to select days of their choice for the showing of percentage pictures where guarantees are given.

That it will respect any legitimate claim for the elimination from its contract of any picture likely to be offensive or objectionable to its customers' patrons from religious, moral or racial grounds.

AND IN ADDITION:

It will offer to its customers who have leased all product offered, and who are not in material default, an increased and unrestricted elimination privilege of:



(continued above)

(continued)

20% elimination of features licensed where the average rental is \$100 or less.

15% elimination of features licensed where the average rental is in excess of \$100 and not more than \$250 and

10% elimination of features licensed where the average rental is in excess of \$250.

Also will give full consideration to its customers' requests for the interchanging of a picture that is deemed to be unsuitable for preferred time showing.

And where a theatre's prior commitments prevents it leasing the company's entire output it will in such cases gladly negotiate for a lesser number of pictures, including those available subjects in which the theatre is particularly interested.

It will continue to provide an Optional Arbitration Clause in its contracts and will arbitrate under such provision any claims made for breach of contract.

It is now preparing a new form of license agreement. A rider will be submitted for the signature of those who desire to operate under the new conditions and who had previously signed an application for its 1939-40 product. That all may have a full knowledge of the complete contract, each is requested to read the new agreement when submitted, thoroughly and carefully.

It has no present method of adjudicating clearance disputes or those affecting over-buying, but will conscientiously review any complaints brought to its attention and will continue to lend its every effort to bring about a more harmonious understanding.

Its established policy of supporting its satisfactory customers, the fair method of designating pictures and other relationship with the trade is so well known that it is not believed necessary to reaffirm that which by performance over many years is so well established.

It seeks the continued support of its customers and acknowledges its debt of gratitude to those who have in the past expressed their confidence in its policy by their uninterrupted patronage.



(signed)

Leo

FOR THE FRIENDLY COMPANY

SEE D OF C AS TRUST SUIT INTERMEDIARY

(Continued from Page 1)

Justice's campaign which thus far has embraced a suit filed in New York against the majors and actions elsewhere against the Griffith, Schine and Crescent Amusement Co. interests came via announcement that the D of C's conversations with the potash industry were nearing a climax.

These conversations in scope parallel those with the film and oil industries, but it so happens that the conversations with the potash industry have advanced more rapidly than the others. Thus, the significance to the pix industry of the disclosure that the D of C expects "in a few weeks" to reach a point where it can make concrete suggestions by which the potash industry may dispose of pending anti-trust charges is not to be missed.

D of C officials stated that the potash industry talks had gone far enough so that the second phase of the department's intermediary role, wherein the department suggests a basis for compromise, could be begun. They add that there is no way of knowing whether or not this suggested compromise would be acceptable to the industry or to the Department of Justice but in this connection it was pointed out that the industry had been very close to the Commerce Department during the conversations and also that the latter department had been called into the case at the suggestion of the Department of Justice.

The pattern used by the D of C in the potash conversations duplicates in every respect that employed when film industry execs. were invited to confer in Washington. The preliminary conferences are concerned mainly with the exchange of information, a major portion of which is furnished by the industry to department experts. These experts then study this data in an effort to reach some satisfactory settlement of anti-trust law charges.

The department is represented at these conferences by Dr. Willard Thorp, economic adviser to Secretary Harry Hopkins, and E. A. Tupper, assistant to Dr. Thorp. Various other department experts take part in the meetings when they are held here.

3 Butterfield Reopenings

Detroit — Butterfield Circuit has slated three theaters for fall re-opening—the Garden at Flint, tomorrow, following complete rebuilding; the State at Pontiac, which has been closed all summer, on Sept. 30; and the Gladmer at Lansing, Oct. 12, after complete rebuilding.

Preparedness

Ainsworth, Neb.—Even if a pix dies at the box office, exhib. Roy Syfert here, and his wife, are set to take care of it.
Both are licensed morticians.

ALONG THE



WITH PHIL M. DALY

● ● ● APROPOS of Columbia.....Mr. Deeds won't go to town.....unless via re-issue.....but it is certain that "Mr. Smith Goes To Washington".....in fact it is evident that the new Capra opus is going to town.....if the newly-created press book is any barometer.....From cover to cover.....and foredge to backstrip.....the volume speaks volumes to exhibs.....that they can expect the Capra touch a-plenty.....first, last and profitably.....Columbia will start a co-op newspaper campaign.....in mid-October.....covering some 60 important markets nationally.....with copy ranging from 800 to 1,200 lines.....including mags.....to see that "Mr. Smith Goes To Washington" with a first-class ticket.....and a brass band ballyhoo in print.

● ● ● Leo the Lion's "The Women".....is goin' to be a b.o. roar.....up in Rochester.....if Lester Pollock, manager of Loew's Rochester, has anything to say about it.....and he has already spoken.....by sewing-up a flock of the town's best windows. . . ● Another promotional coup is scored nationally.....by UA's h.o. publicity gang.....in turning out a pictorial serialization of Goldwyn's "The Real Glory".....told in wood cuts by Lynd Ward.....thus cleverly catering to the tastes and needs of editors. . . ● One might judge that the yarn, "The Lost Reel," which made Film Row rounds yesterday.....was a fish story.....but it's on the level.....to wit.....RKO got a cable from its Panama office that the M of T subject....."The Maginot Line," Spanish-language version.....has been stolen from a Guatemala pix house.....Thus Intrigue presumably lifts its slimy head.....in spite of President Monroe's lil doctrine.....

● ● ● ANOTHER football season is in the immediate offing.....with its spectacles and spectaculars.....On many cleat-torn gridirons there will be heroics.....hauling crowds to their feet.....in hope and in consternation.....Just as inevitable as there will be booming punts.....swirling spinners.....and the mad surge downfield to receive or intercept the arrowing pass.....Too, there will be on many a star-spangled eleven.....some lesser light in moleskins who will make the crowds cheer.....and remember.....

● ● ● WHAT has this to do with films.....other than the fact that the newsreels will be there.....or opportunities seized for location shots?.....Our answer is that it has a bearing upon Columbia's "Golden Boy".....albeit that current rouser deals in the leather of the prizing.....rather than the pigskin kingdom.....it appears to us that the lesser light in moleskins to whom we alluded.....has his counterpart in the person of Lee J. Cobb in the Mamoulian production.....for it is he who made this department cheer.....and remember.....This takes nothing away from the "Golden Boy" stars who deliver handsomely.....Barbara Stanwyck, Adolphe Menjou and the amazing William Holden.....This trio got the billing and it was expected that they score, as it were.....and they did heavily.....But the point is that when the fans filed expectantly through the turnstiles of the Radio City Music Hall.....there wasn't one in a carload who had any idea of the pyrotechnic characterization.....which Lee J. Cobb was to unleash in the role of "Mr. Bonaparte".....daddy of the young leather-thrower.....It is all like a substitute running-guard running amuck.....on a team of headline, goal line grabbers.....Salute!.....

DATE BOOK

Sept. 24-25: MPTO of Arkansas, Mississippi and Tennessee convention, Hotel Gayoso, Memphis.

Sept. 26: Independent Theater Owners of West Virginia convention, Waldo Hotel, Clarksburg, W. Va.

Sept. 26-27: Allied Theater Owners of Oklahoma convention, Biltmore Hotel, Oklahoma City.

Sept. 27-28: Independent Theaters Protective Association of Wisconsin convention, Milwaukee.

Sept. 30: Nat Levy testimonial dinner, Detroit.

Oct. 2-4: Allied Theaters of Michigan convention, Burdick Hotel, Kalamazoo.

Oct. 1-7: Film industry's Golden Jubilee.

Oct. 15: Pittsburgh Variety Club banquet, William Penn Hotel.

Oct. 16-19: SMPE Fall convention, Hotel Pennsylvania.

Oct. 23-24: MPTO of Western Pennsylvania convention, Roosevelt Hotel, Pittsburgh.

Oct. 23-24: MPTOA board of directors meeting, Greenbriar Hotel, White Sulphur Springs, Va.

Oct. 23-24: Associated Theater Owners of Indiana, Inc., convention, Antlers Hotel, Indianapolis.

Nov. 25: Washington Variety Club banquet, Willard Hotel.

Nov. 29: Motion Picture Associates dinner dance, Hotel Astor.

Dec. 3-4: Theater Owners Association of North and South Carolina Winter convention, Charlotte.

Nebraska Exhibs. Talking Anti-Carney Legislation

Lincoln, Neb.—String of protests in Nebraska newspapers for tactics of carnivals in the state, primarily the gambling carried on at the recent state fair, has film showmen believing legislation is ripe for picking which would bar the carneys. Such legislation is already being contemplated, although the session is a long way off.

WEDDING BELLS

Jonas Rosenfield, Jr. of the Warner home office advertising department, will be married tonight to Miss Ida J. Reed of this city. The wedding will take place at the home of the bridegroom's parents, 43-15 46th Street, Sunnyside, Long Island.

The couple will leave on a motor trip tomorrow to Pennsylvania. On their return they will live at 181 Waverly Place, Manhattan.

West Coast Bureau of THE FILM DAILY

Hollywood—Harriet Parsons, Louella's daughter, and King Kennedy, film player, will wed.

Miss Ann Litman, booker at World Pictures, will be married Sunday to Sidney I. Sicker. Ceremony will take place at Menorah Temple, Brooklyn.

939
ASTOUNDING!...

AND SENSATIONALLY

IN STEP WITH

THE HEADLINES

THAT SCREAM FROM

YOUR OWN NEWSPAPER

THIS

VERY HOUR!...

ANNA NEAGLE as NURSE EDITH CAVELL

CRUSHED BY THE IRON FIST OF GERMANY'S WAR LORDS!

■ ■ The woman who hated war and fought its terrors on the battlefield of devotion! . . . Here is the human-experience drama supreme, told on a screen afire with the conflagration that's sweeping the world again today! . . . BELIEVE THE NATION'S FOREMOST PREVIEW CRITICS — IT'S ONE OF THE GREATEST PICTURES EVER PRODUCED!

OPENING THIS WEEK . . . RADIO CITY MUSIC HALL

ANNA NEAGLE
in her first Hollywood appearance
**as NURSE
EDITH
CAVELL**

WITH

EDNA MAY OLIVER • GEORGE SANDERS • MAY ROBSON • ZASU PITTS

H. B. WARNER • SOPHIE STEWART • MARY HOWARD • ROBERT COOTE

Produced and Directed by HERBERT WILCOX • Screen Play by MICHAEL HOGAN



M-G-M'S NEW SELLING FORMULA ANNOUNCED

(Continued from Page 1)

company "will conscientiously review any complaints brought to its attention and will continue to lend its every effort to bring about a more harmonious understanding."

Official Statement

The official statement made by M-G-M yesterday follows:

"M-G-M reaffirms its previously announced policy of not insisting upon short subject, newsreel or trailer representation as a condition of licensing its feature productions, and to those who do lease these units the Weekly Payment Plan is optional.

"That score or recording charges will not be made on any contracts for its 1939-40 product signed subsequent to Jan. 1, 1939.

"That it will gladly negotiate for some run of its product with any properly conducted theater, providing the acquisition of such business would not seriously affect its revenue from any prior run.

"That it will recognize the desires of its customers to select days of their choice for the showing of percentage pictures where guarantees are given.

"That it will respect any legitimate claim for the elimination from its contract of any picture likely to be offensive or objectionable to its customers' patrons from religious, moral or racial grounds.

Increased Cancellation

"And in addition: It will offer to its customers who have leased all product offered, and who are not in material default, an increased and unrestricted elimination privilege of:

"20 per cent elimination of features licensed where the average rental is \$100 or less.

"15 per cent elimination of features licensed where the average rental is in excess of \$100 and not more than \$250 and

"10 per cent elimination of features licensed where the average rental is in excess of \$250.

"Also will give full consideration to its customers' requests for the interchanging of a picture that is deemed to be unsuitable for preferred time showing.

"And where a theater's prior commitments prevent its leasing the company's entire output it will in such cases gladly negotiate for a lesser number of pictures, including those available subjects in which the theater is particularly interested.

Optional Arbitration

"It will continue to provide an

The Marquee Slant

Lansing, Mich.—Believe it or not, here's how the marquee of the Lansing Theater read the other day:

"These Glamour Girls"

"The Magnificent Fraud"

Expect Further RKO Reorg. Hearing Delay

Adjourned hearing of the RKO reorganization proceedings scheduled to be heard today by Judge Alfred C. Cox in the Federal Courthouse in all probability will be further postponed. This action, if taken, will be in order to allow Federal Judge William Bondy to sit in the case upon his return from a vacation, it was learned last night. Judge Bondy is scheduled to arrive here sometime before Oct. 1 when he has been assigned to trial work.

Murphy, Banquet Speaker for M. P. Democratic Com.

(Continued from Page 1)

day at the Victor Hugo in Beverly Hills, where the award will be made for the picture of the year which, in the committee's opinion, has contributed most to the ideal of democracy.

Murphy's address and other features of the meeting will be heard over the NBC-Blue Network, from 12:30 to 1:00 a.m., EST. The Attorney General will fly from Washington especially for the occasion, arriving in Los Angeles Monday morning.

Melvyn Douglas will act as toastmaster, and will introduce Gov. Culbert L. Olsen, who in turn will present the speaker. Murphy will make the presentation to the film company receiving the award.

Among others expected to attend the banquet are Lieut. Gov. Ellis E. Patterson, Senator Sheridan Downey, James Roosevelt, Dashiell Hammett, Miriam Hopkins, John Ford, Fredric March, Franchot Tone, Dudley Nichols and Donald Ogden Stewart.

New Jersey Allied Calls for Product Deal Caution

(Continued from Page 1)

distributors were asking terms higher than present grosses warranted.

The entire meeting was devoted to product discussions. Lee Newberry, newly elected president, presided.

Rep. Talks Starr Deal

New Orleans—Leo Seichsnaydre, Republic Exchange manager, is in Nashville, Tenn., to discuss a product deal with the Milton Starr circuit for their houses in the Gulf States territory. Starr operates here under the name of Bizjoue Amusement Co.

Optional Arbitration Clause in its contracts and will arbitrate under such provision any claims made for breach of contract.

"It is now preparing a new form of license agreement. A rider will be submitted for the signature of those who desire to operate under the new conditions and who had previously signed an application for its 1939-40 product. That all may have a full knowledge of the complete contract, each is requested to read the new agreement when submitted, thoroughly and carefully.

Will Review Complaints

"It has no present method of adjudicating clearance disputes or those affecting over-buying, but will

Dramatists Guild Council to Study Play Purchase Plan

(Continued from Page 1)

signed the author would receive \$5,000; at the end of the second week of the play's run the author would get \$2,500 more and \$7,500 additional would be paid at the end of the third week. No percentage of the weekly receipts which would form the royalty thus far has been worked out, but the Guild has submitted a scale. It stipulates 10 per cent for the first \$5,000, 15 per cent for the second \$5,000 and 20 per cent on everything over \$10,000 during the first 30 weeks the play runs, with percentages to scale down slightly after that time.

Film companies are expected to ask for percentage payments on a slightly different basis, probably on a division of play production costs in three classes.

20th-Fox Closes Product Deals With 13 Met. Chains

(Continued from Page 1)

20th-Fox, Harry Buxbaum, manager of the New York exchange, and Joseph Lee, exchange exec., during the past two weeks, it was learned yesterday.

Deals cover the company's 1939-40 product lineup, and cover these circuits: Loew's, RKO, Warners, Walter Reade, Brandt, Consolidated, Prudential, Fabian, Cocalis, Century, Randforce, Skouras Metropolitan Playhouses and the Rosenblatt circuit.

Morros Reported Talking Four Pix Pact with RKO

(Continued from Page 1)

and that an announcement may be made in a few days. He plans to return to the Coast the latter part of this week.

conscientiously review any complaints brought to its attention and will continue to lend its every effort to bring about a more harmonious understanding.

"Its established policy of supporting its satisfactory customers, the fair method of designating pictures and other relationship with the trade is so well known that it is not believed necessary to reaffirm that which by performance over many years is so well established.

"It seeks the continued support of its customers and acknowledges its debt of gratitude to those who have in the past expressed their confidence in its policy by their uninterrupted patronage."

NEW HEAD FOR N. Y. ANTI-TRUST OFFICE

(Continued from Page 1)

arrived in New York yesterday and notified Henderson and McGovern of their transfer, it was said.

A number of anti-trust cases now being prosecuted by the anti-trust division here will be turned over to John P. Cahill, U. S. attorney for the southern district of New York, but it is understood that the equity suit will probably remain in the hands of the anti-trust division.

Gov't Files Memorandum in Griffith Trust Action

(Continued from Page 1)

ward hearing when the D of J filed its memorandum brief in the Federal Court clerk's office here.

The brief cites legal positions in answer to a request by defendants for a bill of particulars and clarification of the case.

Suit charges the Griffith Amusement Co., Westex Theaters Inc., R. E. Griffith Theaters, Consolidated Theaters and the Griffith brothers are under the same management and that between them they exercise circuit buying power, enabling them to dictate to film producers and name the terms on which they will take pictures.

"Hollywood Cavalcade" Pre-release Dates Set

Pre-release engagements have been set by 20th-Fox for "Hollywood Cavalcade" at the Majestic Theater, Houston, Tex., on Oct. 6, and at the Palace Theater, Dallas, Oct. 7, it was announced yesterday. Film, in addition to pre-release engagements which are now being set, will be tradeshown in 37 key cities on Oct. 2 or 3 with theaters being used instead of branch office projection rooms in order to accommodate as many exhibs. as possible.

World premiere of the film which has been set for the Four Star Theater, Los Angeles, on Oct. 4, with proceeds to be contributed to charity, has been sold out, it was said. Nationwide release date for film is Oct. 13.

"Ramparts" Staff Increased

Arthur Jones, William Sikes, Frank Calabria, George Dangerfield and William Garrity have been added to the technical staff of March of Time's full-length feature, "The Ramparts We Watch."

Rt. Hon. Preview

West Coast Bur., THE FILM DAILY

Hollywood — Universal will preview "Tropic Fury" at Van Nuys Sept. 27. It co-stars Andy Devine, who is honorary mayor of Van Nuys, and Richard Arlen. San Fernando Valley honorary mayors, including Al Jolson, Mischa Auer, Hugh Herbert, Richard Arlen, Bing Crosby, Glenda Farrell and Marion Marsh

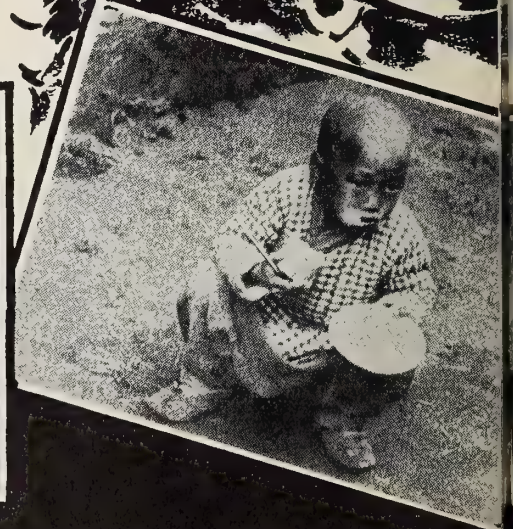
HENDRIK WILLEM VAN LOON'S

"THE FIGHT FOR PEACE"

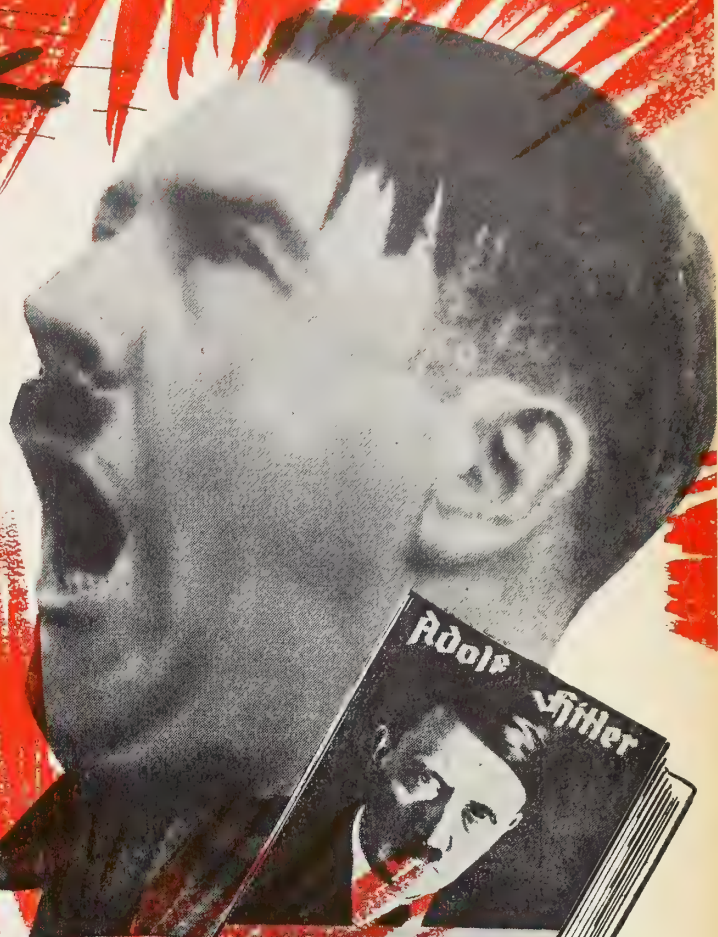
**THE HORRORS of WAR!
BOMBS FOR BABIES!
TORTURE FOR WOMEN!
NATIONS GONE MAD!**

It tears at the mighty heart of
humanity—it makes you gasp at
its daring realism—its emotional
impact will shock the world!

**A
WARWICK PICTURE**
Narrated by
DAVID ROSS



AVAILABLE NOW AT MONOGRAM EX



DEATH AND DICTATORS MARCH HAND IN HAND!

"OVERPOWERING...
MUST BE SEEN..."

—Nugent,
N. Y. Times

★ ★ ★ ½ ★
3 ½ STARS

— N. Y. Daily News

"AN ORCHID TO 'THE FIGHT
FOR PEACE' "

—Walter Winchell

"HAS GREATER DIGNITY AND POWER
THAN PREVIOUS WAR SPECTACLES"

—Johaneson, N. Y. Daily Mirror



ANGES • RUNNING TIME 65 MINUTES

"KEEP THIS COUNTRY OUT OF WAR"--HAYS

(Continued from Page 1)

prexy, addressing the Regional Trust Company Conference of the Pacific Coast and Rocky Mountain States at the Biltmore Hotel here last night.

"Thus," said Hays, "may we best fulfill our highest duty as trustees for civilization, for human liberty and for peace."

With "Trusteeship" as the theme, the address was the first formal one to be delivered by the film industry's No. 1 man since the outbreak of hostilities, and accordingly as a keynote attracted wide attention.

Hays coupled his plea for a peaceful America with a forthright discussion of the relations of business with government, the principle that should determine the degree of business regulation by government and the organized film industry's job of self-government.

"The burden of proof should always rest upon those who would extend government control over any aspect of private business," affirmed Hays, adding, "The power of the government should never be used to enable one citizen to exploit another, or to give one branch of an industry undue advantage over another."

Further discussing regulation, the MPPDA prexy said pointedly: "Every business and industry which is fair and honest, which is motivated by the desire to serve and not to exploit, should neither be the object of unwarranted legal or legislative attack, nor subject to possible loss of public prestige by such attack."

Pointing out that trusteeship is a vital responsibility of Government, of business, and of each individual, Hays asserted:

"Today when the orderly processes of society are collapsing in much of the world under the detonation of bombing planes and long-range guns, America more than ever represents a great ideal. To an unusual degree America today holds in trust for mankind the political, cultural, and spiritual heritage of the human race."

Emphasizing the duties of the picture art-industry in a war-mad world, Hays said:

"Those of us in the motion picture art-industry do, indeed, realize full well the significance of our trusteeship of this essential enterprise at this particular time."

"An element of that trusteeship

Hays on Government Regulation

(Continued from Page 1)

business. It is the trustee of the interests of business as well. It is the protector of the interests of business and the promoter of its soundness and its health."

"It (the MPPDA) has stood ready to co-operate and has co-operated with public authority in every way, endeavoring always to maintain that proper relation which a great industry should maintain, to its government."

"In viewing the many problems, economic and social, that face us today there is something to be gained by considering the rise and progress of this new industry. Those who see only a 'dead end' in every turn of the road of America's industrial and business progress might well ponder on this experience. They might think twice who would chain initiative and enterprise to any conception of a limited business outlook. They might ponder who would deter initiative and enterprise by decrying the profit motive in business."

"The people of this nation, who, in the last analysis, are trustees for the motion picture as an institution, should not forget that wherever, as in Germany and Russia, the heavy hand of government has come to dominate it, the motion picture as art has withered. Little indeed has remained except crude, crass propaganda."

"God grant that through a supreme act of national will men and women of all political shades of opinion shall firmly and unitedly resolve at all costs to keep this country out of war. Thus may we best fulfill our highest duty as trustees for civilization, for human liberty and for peace."

Llamas to Open Six New Theaters in Puerto Rico

San Juan, P. R.—Theater building in Puerto Rico is increasing. Teatros Modernos, circuit operated by T. Llamas, will open six new theaters in this territory in November. All will be equipped by the Western Electric Co. of Cuba.

Equipment order embraces four Western Electric Mirrophonic Master-30 and two Mirrophonic Master-15 sound systems, six pairs of Motograph projectors, six pairs of Ashcraft lamps, six Century-Roth Actodectors, Mirrophonic screens, Western Electric announcing systems, Automatick registering machines and other miscellaneous theater equipment.

F & M Will Return Stage Shows to Fox, St. Louis

St. Louis—Stageshows will return to Fanchon & Marco's 5,000-seat Fox Theater this Fall.

Opening stage show, the Marcus Revue, has been set for Oct. 6. Some dozen others are in prospect, including Al Pearce and His New Gang, Benny Goodman and his ork, Bob Crosby and Blackstone, the magician.

is the transcendent duty to society now to keep the stream of world entertainment flowing — entertainment which is effective as entertainment and which at its best is inspirational. In spite of the handicap of serious loss of markets, the motion picture art-industry will do this job. It is the industry's duty, and I believe that this business and all business does well to think first of its duties and its responsibilities. The emphasis upon the protection of rights and privileges will follow."

Book Premium Distributors File Libel Action in N. Y.

Consolidated Book Publishers Inc., of Chicago has instituted a \$300,000 libel action against Laurence H. Hart, Samuel D. Goldstein and Funk & Wagnalls, charging the defendants with stating falsely that Consolidated sells its Standard American Encyclopedia, which is used widely as a theater premium, by "misrepresentation" and with reporting inaccurately most of the details and particulars concerning the Consolidated encyclopedia.

According to the complaint prepared by the plaintiff's attorneys, Phillips & Nizer, these alleged defamatory statements appeared in a comparative chart of encyclopedias composed and published by Hart, Funk & Wagnalls and Goldstein, the latter doing business as De Luxe Theater Premiums, are charged with distributing the Hart chart to exhibitors.

Alpine Circuit Service Contract Closed by RCA

A service contract covering the sound reproducing equipment in the 24 theaters of the Alpine Theater Circuit, Inc., has been awarded to RCA Photophone, according to W. L. Jones, RCA service manager.

Most of the houses covered in the new service contract are in West Virginia, and a few are in Pennsylvania. The circuit's headquarters are in Kingwood, W. Va.

C. A. Anderson, circuit manager, negotiated the contract with James W. Coker, RCA district manager, and W. C. Jervis, RCA Photophone sales representative in the Pittsburgh territory.

UNIVERSAL DRAFTING ARBITRATION CLAUSE

(Continued from Page 1)

proposed provision may be completed this week and will be submitted to the sales department for consideration.

Meanwhile, it is reported that 20th Century-Fox's proposed arbitration clause is still being discussed but no action has been taken towards putting it into effect.

Whether other code provisions will be added to the exhibition contracts of both companies has not been determined.

Union Looks to New Pact to Iron Out Differences

St. Louis—Local 143, operators, has submitted a new contract and working agreement to the St. Louis Amusement Co. to replace the pact which expired on Sept. 1.

Union execs. are hopeful that the new contract will iron out the differences with the amusement company that developed on Saturday when the Pageant Theater reopened with Thomas Canavan and Wallace O'Donnell as the projectionists.

Canavan and O'Donnell, who were among the members of local No. 143 who supported John P. Nick, International vice-president, in his efforts to retain control of the local's affairs, were suspended by the new union officers when they failed to appear before the local's executive board to explain why they left jobs to which they had been assigned for several years to take over the Pageant projection positions. The operators who were let out at the Pageant to make way for Canavan and O'Donnell were among the union members who supported the fight to oust Nick.

The union's executive committees also suspended projectionists employed at the Lafayette and Shady Oak theaters, where Canavan and O'Donnell formerly worked.

Officials of the St. Louis Amusement Co. have refused to accept the substitute operators sent to the Pageant, Lafayette and Shady Oak theaters by the new officers of Local No. 143.

St. Louis Amusement Co. theaters are operated by F & M under a management contract.

"Torpedoed" Into the Globe

"Torpedoed," released by Film Alliance of the U. S., opens Saturday at the Globe. "Torpedoed" was filmed at Scapa Flow with the co-operation of the Admiralty and the Navy League, with an American cast including H. B. Warner, Richard Cromwell and Noah Beery.

Fair Plugs Jubilee

Dallas—Texas State Fair will mark the film industry's Golden Jubilee with a program on Oct. 7.

DST Ends Sunday

Daylight Saving Time ends Sunday and towns using the fast time will set back their clocks at 2 a.m.

IATSE Wins Studio Elections--

the tellers completed counting and checking the 6,478 ballots cast. Vote: IA, 4460; USTG, 1967; others, 51.

Hollywood—Studio craft workers at yesterday's elections, ordered by the NLRB, designated the IATSE as official bargaining agency, it was announced early today as

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VC 76, NO. 57

NEW YORK, THURSDAY, SEPTEMBER 21, 1939

TEN CENTS

ITOA Sounds Out Circuits on Clearance Arbitration GOLDWYN ASKS JOINT ACTION ON WAR PROBLEMS Launch Drive for End of Political Censorship of Pix

Columbia U. Division Maps Specific Plans for "Free Screen" Fight

Opening gun of what promises to be a decisive drive by educators to abolish all forms of political censorship of pix is fired in the annual report filed with Prof. James C. Egbert, director of University Extension at Columbia, by Dr. Russell Potter, director of the institution's Division of Motion Picture Study. Dr. Potter strenuously advocates dissolution of the New York State Board of Censors along with the effectuation of other needed "re-

(Continued on Page 4)

AUGUST ADMISH TAXES SHOW \$88,405 JUMP

Washington Bureau of THE FILM DAILY
Washington—A gain of \$88,405.24 in admissions taxes collected in the United States for August, 1939, was registered compared to the same month of last year, the Internal Revenue Bureau reported yesterday. Admissions for August, 1939, totaled \$1,513,468.12 compared to \$1,

(Continued on Page 7)

Col. Prexy and Vice-Prexy Take Voluntary Salary Cut

At a meeting of stockholders of Columbia Pictures Corp., held at the offices of the company yesterday, Harry and Jack Cohn, president and vice-president respectively of Colum-

(Continued on Page 4)

Al Adams Leaves Republic Advertising Post Saturday

Al Adams, who has served for the past several years as director of publicity and advertising for Republic Pictures Corp., relinquishes that post on the coming week-end, it was learned yesterday.

No official pronouncement as to

(Continued on Page 7)

Editorial

Two Film Industry Threats ... war and regulation are related

By CHESTER B. BAHN

WILL H. HAYS, addressing a Coast trust company this week, brought into sharp relief this industry's major dangers. One, the war in Europe and the threat of American involvement. The other, the continuing dual attack, by litigation and legislation, to effect strict government regulation.

At first glance, the relationship between these two dangers may seem casual. Actually, they go hand in hand. And thus in joining them as a target for attack the MPPDA prexy again has performed a timely service, not only for the organized

(Continued on Page 8)

THIRD QUARTER NET OF CFI AT \$232,000

Third quarter net income of Consolidated Film Industries was estimated at approximately \$232,000 for the period ended Sept. 30, 1939, according to President Herbert J.

(Continued on Page 8)

SURVEY SHOWS FILMS KIDS' FIRST CHOICE

Movies lead sports as the favorite amusement of American youth, according to results of a survey of 5,000 children of pre-high school age released yesterday.

Survey was conducted by Young

(Continued on Page 8)

Special Session of Congress Not to Act on the Neely Bill

Washington Bureau of THE FILM DAILY
Washington D. C.—Special session of Congress convening today is not expected to take up any film mat-

(Continued on Page 6)

Films Need "Uniqueness" Dietz Tells N. Y. U. Class

Motion pictures, coming into their own as an art form, should inspire original contributions from all sources, and that the art of films

(Continued on Page 6)

Arbitration of Clearance Depends On Circuits in Opinion of the ITOA

Neb. Completes Presentation of Its Case Against Ascap

Lincoln, Neb. — John J. Gillin, manager of WOW, Omaha, lashed out when cross-examined here yesterday in the anti-Ascap test case against society for selling music

(Continued on Page 5)

ITOA is sounding out circuits in the Metropolitan area as to their willingness to arbitrate clearance problems. Organization is of the opinion that the distributors are willing to take clearance disputes to an arbitration board if the circuits will co-operate.

Harry Brandt, ITOA president,

(Continued on Page 4)

Fact - Finding Committee is Advocated by Producer in War Crisis

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood—Samuel Goldwyn yesterday called upon the industry to form a joint fact-finding committee to study problems presented by the war situation and formulate a program "for the good of all concerned."

Goldwyn directed his letter to Charles Brackett, president of the Screen Writers Guild, and sent copies to Will Hays, MPPDA prexy;

(Continued on Page 5)



SAMUEL GOLDWYN

RKO TO HANDLE THREE FRANKLYN WARNER PIX

A deal whereby Franklyn Warner, president of Fine Arts, will distribute three top-bracketed pictures through RKO was announced yesterday by George J. Schaefer, RKO

(Continued on Page 5)

Kuykendall to Address Meet of Ark.-Miss.-Tenn. MPTO

Memphis — Principal speakers at the semi-annual convention of the MPTO of Arkansas, Mississippi and

(Continued on Page 6)

Fine Arts-GN Deal Said Unaffected by RKO Pact

The Franklyn Warner production agreement with RKO will not affect the status of the tentative Fine

(Continued on Page 8)

THE FILM DAILY ALL THE NEWS ALL THE TIME

Vol. 76, No. 57 Thurs., Sept. 21, 1939 10 Cents

JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL
NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/2	11	11	- 1/2
Col. Picts. vtc. (2 1/2%)	7 3/4	7 3/4	7 3/4	+ 1/8
Columbia Picts. pfd.	19 1/2	19 1/2	19 1/2	0
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	+ 1/8
Con. Fm. Ind. pfd.	9 1/2	9	9	- 1/4
East. Kodak	158 3/4	157 1/2	157 1/2	+ 1
do pfd.				
Gen. Th. Eq.	9 3/4	9 1/2	9 5/8	+ 1/8
Loew's, Inc.	35	33 1/2	34	- 1/4
do pfd.	103	103	103	0
Paramount	7 3/4	7 3/8	7 3/8	- 1/8
Paramount 1st pfd.	80 1/2	80 1/2	80 1/2	+ 1/4
Paramount 2nd pfd.	8 1/2	8 1/2	8 1/2	0
Pathe Film	10 1/2	10 1/2	10 1/2	- 1/4
RKO	1 1/2	1 1/2	1 1/2	- 1/4
20th Century-Fox	13 3/4	13 1/8	13 1/4	- 1/4
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	4 1/8	4	4	0
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/4	100 1/8	100 1/8	+ 1/8
Loew's deb. 3 1/2s46	95 1/2	95	95	- 3/8
Para. B'way 3s55	49	49	49	+ 3/4
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	80	79 1/2	80	+ 2
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48				

NEW YORK CURB MARKET

Monogram Picts.				
Sonotone Corp.	1 1/4	1 1/4	1 1/4	0
Technicolor	12	11 1/2	11 5/8	- 3/8
Trans-Lux	1 1/2	1 1/2	1 1/2	0
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.		102
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

Pizor Aids Pact Talks

Philadelphia—Lew Pizor, prexy, and George P. Aarons, secretary, of the UMPTO together with H. A. Snyder of the Tremont Theater Tremont, met with representatives of Local 730, Operators, to discuss an agreement for Lykens Valley exhibs.

AAAA-AFA Dispute Ends as Sophie Tucker Joins AGVA

End of the lengthy dispute between the AAAA and the AFA finally came yesterday with Sophie Tucker, AFA prexy, joining AGVA, the new variety guild created by the AAAA after the AFA was ousted. This move by Miss Tucker came after it was reported that she had been threatened with suspension by three of the AAAA member unions who had returned her to good standing when the IATSE and the AAAA made their peace settlement recently.

Future of the American Federation of Actors became more uncertain this week. Actual jurisdiction of the union apparently was hazy according to an A F of L executive. It is not expected that any formal move to dissolve the union or announce its future intentions will be made until Ralph Whitehead, executive secretary, returns to his desk following recuperation from a recent illness.

Fall Increase in Commercial Film Advertising Expected

Upswing of commercial screen advertising starting this fall was predicted yesterday by ad. firms which have interested their clients in this medium of reaching the public.

The Alexander Film Co. reports that a 50 per cent increase in natural color film advertising had been recorded in August over the sales during July, and also that several South African companies had upped their film ad. budgets considerably in the past month. Bulk of the commercial film increase, however, will comprise short shorts running from 90 to 120 feet.

Edward Gross to Produce Series for Major Release

West Coast Bureau of THE FILM DAILY

Hollywood—Edward Gross will produce a series of pictures and has arranged for major distribution which will be announced soon. He is negotiating for a current Broadway comedy success.

Gross is being backed by Jules Goldstein, Eastern financier.

RKO Reorg. Hearing Set for Sept. 27 by Court

Federal Judge Alfred C. Cox yesterday adjourned hearings on the RKO reorg. proceedings until Sept. 27 at 10:30 a.m. in Federal Court.

It is understood that proceedings are marking time until Federal Judge William Bondy returns shortly from his vacation in California.

"Light Ahead" Booked

Carmel Productions announced yesterday that its Jewish picture, "The Light Ahead," would open Saturday at the Ascot Theater in the Bronx and at the Clinton, Manhattan, on Monday. Picture will open in Brooklyn later in the week.

Conn. Allied Presidency Sought by Three Exhibs.

New Haven—Charles Repass of the Crown Theater, Hartford; Martin Keleher, of the Princess Theater, Hartford and A. M. Schuman of the Black Rock Theater, Bridgeport, have been nominated for the presidency of Allied Theaters of Connecticut at a regular meeting at the Hofbrau Haus.

Other nominees include: For vice-president Charles Repass, Martin Keleher, A. M. Schuman and Samuel Hadelman, of the Capitol, Bridgeport; treasurer Jack Schwartz, West End Bridgeport, and Leo Schapiro, Guilford Theater; executive secretary Lawrence C. Caplan; chairman, board of directors, Dr. J. B. Fishman, of Fishman Theaters, and Maurice Shulman of the Rivoli and Webster, Hartford.

New Shea Buffalo House Forerunner of 2 Others

Buffalo—Buffalo Theaters, Inc. (Shea circuit) announces plans for construction of another community house, the Niagara, in the lower West Side. Indications point to two others, in the North End and residential district, and upper East Side. Chain now has six nabe theaters here.

Warner Chi. Execs., B & K Subpoenaed in Gary Case

Chicago—B & K Manager Walter Immerman of the Warner circuit, and Booker Alex Halperin have been subpoenaed for depositions in the Gary Theater case, before Attorney Sigmund David on Oct. 2. The case will be pushed, according to the plaintiff's counsel.

"The Rains Came" Passes 250,000 Mark at the Roxy

"The Rains Came," new 20th-Fox film now at the Roxy, went over the 250,000 attendance mark yesterday, with film also setting attendance records in 16 other key cities where it is currently playing, it was reported.

49 Pix in Work At Studio Sept. Highest in 10 Years

West Coast Bureau of THE FILM DAILY Hollywood—With 49 pictures before the cameras, production is at its highest September figure in the past 10 years.

Twentieth Century-Fox is making eight; Paramount and M-G-M six each; Columbia and RKO five each; Republic and Warner Bros. three; Samuel Goldwyn, Walter Wanger, Selznick, International, Hal Roach, Harry Sherman, Monogram and Producers Pictures one each.

UA Board Meets Today

Board of directors of United Artists will meet today.

COMING AND GOING

WILL HAYS is expected back from Hollywood in the near future.

ARTHUR LOEW, Metro foreign chieftain, has returned from the Coast.

BOB SMELTZER, Central district manager for Warners, CHARLES RICH, Buffalo branch manager, W. G. MANSELL, Philadelphia branch manager, and JOHN PAVONE, New Haven branch manager, were in New York yesterday for conferences with home office execs.

DR. A. H. GIANNINI was in New York this week for a brief stay.

FRANKLYN WARNER, president of Fine Art Pictures, leaves for the Coast today.

JAMES MULVEY, Eastern representative for Samuel Goldwyn, is expected to return to New York today after a trip to Hollywood.

WAYNE MORRIS has arrived from the Coast.

JAMES R. GRAINGER, Republic president and sales chieftain, returns here this week-end from a trip to St. Louis and Chicago.

ERROL FLYNN has returned to Hollywood.

VERNON DOWNING, actor, has arrived here from the Coast to appear in a play.

ANN SHERIDAN leaves Hollywood tomorrow for her first visit to New York.

ROBERT MONTGOMERY and his wife are at the Waldorf.

EDDIE DUCHIN is in Hollywood.

BORIS MORROS expects to return to the Coast at the week-end.

EDDIE CANTOR, ANN SHERIDAN and JAC BENNY will be in Chicago next week for the American Legion convention.

ELIZABETH RICHTER, head booker for the J. Real Neth circuit in Columbus, O., and LOUISE HARRIS, of the Wilby-Kinney circuit in Georgia, were visitors at the Paramount World's Fair Lounge this week.

20th Century-Fox Will Re-issue Two War Film

"The Road To Glory" and "The First World War," latter film a documentary, will be reissued by 20th Fox immediately, the company announced yesterday. New prints, new advertising accessories and new pressbooks on the pictures are being prepared now.

Novel Interests Majors

Two majors are reported interested in securing film rights to Betl Brown's novel, "Wedding Ring," which may be done on Broadway stage this season.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 21

Paul Muni

Victor Seastrom

Frank Strayer

Isaac Weinberg

H. M. Richey

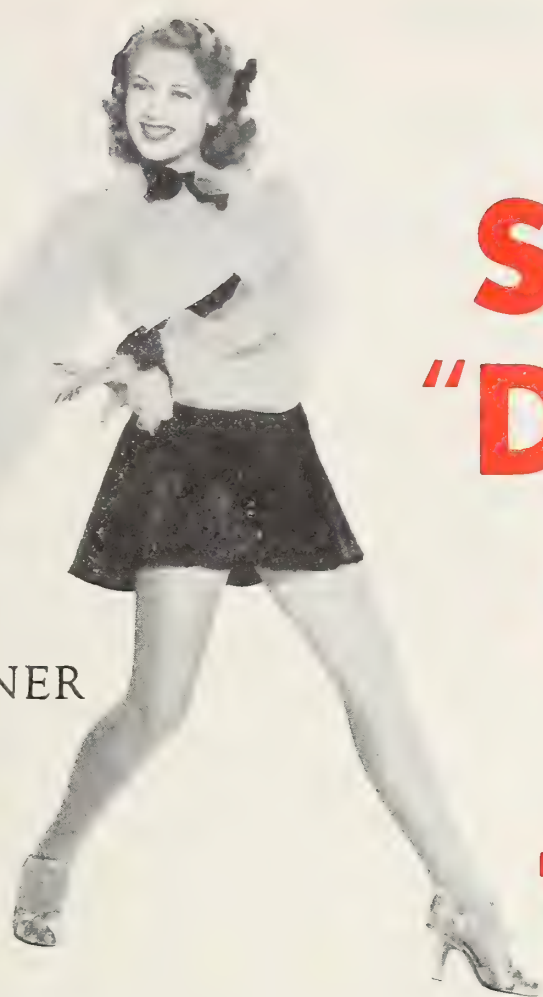
Gus W. Lampe

1938



JUST SCREENED "DANCING CO-ED"! IT'S TERRIFIC!

yes, it's
LANA TURNER
and she's
on the way
to stardom!



One after another the red-hot hits are pouring out of M-G-M's sizzling studio! Every week a new smash! Embrace "The Women" and *hold!* Follow with "Blackmail" action barrage. And "Thunder Afloat" (best in 19 months, Washington, D. C. Premiere!) And then (while "Babes in Arms" World Premiere Biggest in 5 years at Houston!) make a date with delirious "Dancing Co-ed."

they'll be
dancing in
the aisles!

"DANCING CO-ED"

yes, it's
ARTIE SHAW
and his No. 1
swing band!



and Leo's
dancing
with joy!

with Lana Turner, Richard Carlson, Artie Shaw and
His Band, Ann Rutherford, Lee Bowman, Thurston Hall,
Leon Errol, Roscoe Karns • Screen Play by Albert
Mannheimer • Based on a Story by Albert Treynor
A Metro-Goldwyn-Mayer Picture • Directed by
S. Sylvan Simon • Produced by Edgar Selwyn

ARBITRATION DATA IS SOUGHT BY ITOA

(Continued from Page 1)

yesterday sent a letter to eight circuit operators asking their reaction. Letter does not mention clearance arbitration specifically but it is implied. The message, which was sent to Century, RKO, Loew's, Skouras Randforce, Joseph Seider, Cocalis and Si Fabian, read:

"This organization has received assurances from 20th Century-Fox, Columbia, Paramount, Metro-Goldwyn-Mayer, RKO, Universal and Warner Bros. that they stand ready to arbitrate the difficulties arising among various branches of the industry concerned with the renting and exhibiting of motion pictures.

"In order that such arbitration may be effective, it is necessary that all circuits in this territory also agree to arbitrate as a means of settling all moot matters.

"Will you kindly examine this matter very carefully and reply to us as soon as possible regarding the willingness of your circuit to enter into such arbitration?"

Col. Prexy and Vice-Prexy Take Voluntary Salary Cut

(Continued from Page 1)

bia, announced the voluntary reduction of their salaries during the period of emergency which they feel the motion picture industry is facing. The announced cut is 33 1-3 of what each of the officials has been drawing.

Other matters on the meeting's program included extension of the contracts of Harry and Jack Cohn, the merger into the corporation of the two subsidiaries, Columbia Pictures Corp. of California, Ltd., and Columbia Pictures Distributing Co., Inc., and the issuance of an additional option of 2,500 shares of common stock to Samuel J. Briskin to be represented by voting trust certificates.

Selznick Aide Retires

West Coast Bureau of THE FILM DAILY

Hollywood—Marcella Bennett Rabwin, assistant to David O. Selznick since the founding of Selznick-International Pictures, retires from that position.

WEDDING BELLS

Albany—Christopher H. Buckley, Jr., son of the prominent Bennington, Vt., exhibitor, and Margaret Elaine McKeon were married in St. Vincent de Paul's Church, Albany, the Rev. William R. Charles officiating.

Buckley, who also had film business experience when his father operated four Albany pix houses, and his bride will reside in New Haven, Conn.

ALONG THE



WITH PHIL M. DALY

● ● ● WELL worth passing along to the exhibition field.....in light of the approaching week of Oct. 1-7 inclusive.....which will climax the celebration of the Half-century of Motion Picture Progress..... is the Old-Fashioned Movie Show produced by Manager Marlowe Connor.....of the Warners' Rhodes Theater out in Chi.....Connor admittedly got the profitable brain wave via the house's booking of the M of T two-reeler, "Movies March On".....So did Connor.....by deciding to let his patrons see just how the pix theater of 20 years ago was operated.....

● ● ● ON the screen he showed the silent opus, "The Paymaster's Son".....with subtitles, pantomimic acting and mode of dress decidedly of the vintage of the dear, dead past.....Between the reels a slide was thrown on the screen, reading..... "One minute intermission while the operator changes reels"..... The two-reeler, 'tis reported, got appropriately out of frame..... and after the final fade-out..... Jerry Bologna, dressed in fashion of the Gay 90's.....warbled "After the Ball Was Over".....and then, with illustrated song slides, "Sidewalks of New York"..... There followed the Jack Dempsey vs. Jess Willard fight pictures taken 20 long years ago in Toledo.....and finally the M of T footage.....

● ● ● NOT missing a trick, the cagey Connor plopped two ancient autos in front of the theater.....a 20-year-old Brush car, and a double that age International Auto Buggy.....Out front, too, was an usher with handle-bar mustache, high hat, long-tailed coat.....as a barker and all ushers and other attaches appropriately bedecked..... Came counting-up time.....that witching hour in any man's house which revealed a husky profit.....Moral:.....the time is propitious for all exhibs. to read for b.o. health.....the Fiftieth Anniversary Manual.....lately dispatched by Chairman Kenneth (MPPDA) Clark and his fellow committeemen to all U. S. theaters.....to help them grab more gold anent the Half-century of Motion Picture Progress celebration.....

● ● ● IT's abroad domestically.....that Olivia de Havilland has appeared in more Technicolor feature productions than any other leading player....."Gold Is Where You Find It," "Robin Hood," "Dodge City," "Private Lives of Elizabeth and Essex" and "Gone With the Wind".....and it's an interesting point if you can use it. . . ● That perhaps the last pix in which Danielle Darrieux will appear for a long time.....unless she hies to Hollywood..... is the current hit "Mademoiselle Ma Mere".....holding forth at the 55th St. Playhouse.....and being distributed by the up-and-doing J. H. Hoffberg. . . ● That lil Leo, Jr., sprang down to White Sulphur Springs, W. Va.....to strike a blow for free speech..... at American Chamber of Commerce convention...via the M-G-M short, "The Story That Couldn't Be Told".....which made a big impression on the conclave.....

● ● ● NEXT week....."Loew's Weekly" celebrates its 27th anniversary.....Born in 1912 and regularly published ever since..... Has averaged for the past 15 years 1,000,000 copies a week and never accepted advertising.....Each Loew house mails it.....biggest mailing being 40,000 by Loew's Kings Theater, Flatbush. . . ● "Good-bye, Mr. Chips," nearing six months at the Astor.....has opened first engagements outside of B'way run.....namely at Loew's State, Newark, and Loew's, Jersey City.....

WOULD END POLITICAL CENSORSHIP OF PIX

(Continued from Page 1)

forms" if film production and public consumption is to attain a truly adult form.

Dr. Potter, who is also director of the Institute of Arts and Sciences at Columbia, declares that his fight is directed against the status and regional censor boards, and not against the Production Code Authority. Administration of the latter, he points out, is an industry matter and as such is one that must be controlled by the industry itself.

But on the political censorship setup he wars on the ground that it is un-American, inevitably and wholly stupid in its administration, and an unfair hidden tax on the producer, the exhibitor and the public.

Queried yesterday as to how he expects to bring about abolition of political censorship groups, Potter said that specific plans have been made by the Division to crusade for a free screen in America, and these will be disclosed later. Introduction of a censorship repeal measure at Albany is anticipated.

In the annual report he leveled a blistering barrage against censorship and pre-censorship, saying that they keep the movies, which have technically grown up, in diapers, adding "The brains, the talent and ability, the technical resources for giving us motion pictures that would challenge the mind and stir the emotions of adult audiences are in Hollywood, but they are used to cut out paper dolls and make saccharine celluloid stews. The Hollywood setup may be blamed for some of this but not all. Hollywood has the censor jitters."

Potter points out that the Code, administered by the Breen office, is the first obstacle Hollywood meets, then there are various official state boards of censorship, and finally several "highly organized pressure groups which must be pleased." Latter he lists are the D.A.R., the Legion of Decency, the East Coast and West Coast preview committees of the General Federation of Women's Clubs, the Council of Federated Church Women, the National Society of New England Women, and "many others."

He recommended in the report establishment of a Motion Picture Workshop in University Extension, in view of the conviction that within the next quarter of a century there is going to be an increasing demand for teachers properly qualified to teach the motion picture in high schools and colleges.

STORKS!

Philadelphia—Lew Pizor is passing out the cigars. It's a girl, born Tuesday to Mrs. Pizor.

GOLDWYN ASKS JOINT WAR PROBLEM ACTION

(Continued from Page 1)

Joseph M. Schenck, president of the Association of Motion Picture Producers; Frank Capra, president of the Screen Directors Guild and Ralph Morgan, president of the Screen Actors Guild.

In his letter, the UA producer suggested that the committee be formed by craftsmen, Guildsmen, producers and workers. He pointed out that the solution to the war situation is not to be found in the wholesale firing of wage earners and asserted that picture quality must not be sacrificed in seeking a solution.

Goldwyn, in reviewing war-time conditions, paid particular attention to the British situation, pointing out that the value of the pound had depreciated, that business in England was materially affected and that the fate of that which still survived was problematical.

Turning to the Dominions, Goldwyn said Canada has set up a commission to control exportation of funds and not only will it be difficult to transfer funds from Canada but the exchange rate is down 10 per cent and a new tax against motion picture gross receipts has been levied. New Zealand, added Goldwyn, is restricting export of currency and this step is likely to be followed by Australia.

Indianapolis Zone Board Defers Radel's Request

Indianapolis—Action on a request for variance to permit Glen W. Radel to erect a \$75,000 theater at 3835 East Washington St., has been postponed by the Board of Zoning Appeals until Oct. 8.

The theater, seating 1,154, would be known as the Embassy and would include large parking facilities. Property owners objected to the parking lot and some others to the theater location.

Softball Teams to Clash

Harrisburg, Pa. — The Colonial Theater's softball team which went through the season undefeated, winning 12 games, will meet the team of the Allentown Colonial Theater, another Wilmer & Vincent house, on Oct. 1, it has been announced by Jack O'Rear, manager of the Harrisburg Theater. Henry Houck, doorman, is captain of the Harrisburg team.

June Restrictions

Rio de Janeiro (By Cable)—Juvenile Court here has ruled that children under five years of age must not be admitted to film theaters and that children under 14 must not be admitted after 8 p.m.

Saenger Houses Using War Bulletins

New Orleans—Three New Orleans theaters are regularly broadcasting war bulletins to their audiences over their sound systems as a result of a tie-up between the Saenger Theaters Corp., and the Saenger-Maison Blanche-owned WSMB. The station furnishes Transradio bulletins and NBC news to the Saenger, Tudor and Globe Theaters, which interrupt film presentations to bring the latest to the audiences. The service is being advertised in theater ads daily.

Neb. Completes Presentation of Its Case Against Ascapi New Haven, Jewett City Pix Houses Open Doors

(Continued from Page 1)

under wraps, saying repeated requests by him as a user for the Ascapi catalogue were denied.

Gillin, one of committee appointed by NAB to conduct research for music available under other than the Ascapi label, said WOW had paid \$22,800 in 1938 to society for Ascapi percentage gross time sale, whether the music was used or not. He said an offer to pay Ascapi on the basis of music used was thumbed down by the society which collected for all but political or religious broadcasts.

Joe Malec, Omaha ballroom owner and head of the 240-member Amusement Men's Protective Ass'n, said his group was formed to fight for the anti-Ascapi bill's adoption to best the society. He said he paid \$250 annual license, \$15,000 to musicians, and his park grossed around \$70,000 annually, part from swimming concession.

Don Searle, general manager of KOIL-KFAB-KFOR, Lincoln and Omaha stations, said his outfit paid \$21,778 for 1938, and his testimony as to objectionable Ascapi features agreed with Gillin. Ray Hedges, Capital Hotel, said he quit music because the Ascapi license put too much overhead on his spot.

Submission of the case was made late yesterday, and each side will get an hour and a half argument time this morning to wind up.

Judges hearing the case are Gardner (presiding), Munger, and Donohoe.

Stage Shows In Buffalo

Buffalo—The Twentieth Century, Dipson-Basil first-run, begins stage shows tomorrow with A. B. Marcus revue. One week open thereafter, Manager Richard Kemper says. D & B have just closed for RKO first-run in the Century. E. L. McEvoy was here from RKO New York offices.

New House for Bryan

Bryan, Tex.—A new house to seat around 1,000 and to be built directly opposite the university is to be constructed here by the Bryan Amusement Co., Mrs. M. Schulman, president. The house, to be named the Aggie, has been contracted for with Pettigrew & Worley.

Altec Pact Renewed

M & P Theaters, of Boston, Mass., has renewed a contract to have Altec service the sound in 85 M & P theaters throughout New England. L. J. Hacking negotiated for Altec.

RKO TO HANDLE THREE FRANKLYN WARNER PIX

(Continued from Page 1)

president. First picture, "Isle of Destiny," has been completed, with a cast including William Gargan, Wallace Ford, June Lang, Gilbert Roland and Katherine De Mille. This feature and the other two will be delivered in Cosmo Color.

Warner said yesterday that each of his pictures for RKO release have been budgeted at a minimum of \$250,000. The second production will go into work shortly under the title of "Land's End." The third story, as yet untitled, deals with the Ivory Coast slave traffic of 1805.

It was stated by RKO that the Franklyn Warner product will be on a par with the highest quality RKO pictures. They will be released on the 1939-40 program.

Sets All-Colored Pix

Chicago—Saul Goldman, of Sack Amusement Enterprises, has set the all-colored feature "Straight to Heaven" at four first-runs: Globe Theater, Cleveland; Roosevelt, St. Louis; Empress, Columbus; Roosevelt, Cincinnati.

Vaudefilm In Cincy

Cincinnati—Two downtown theaters, RKO Shubert and Strand, Indie, have adopted vaudeville and film policy.



NOW

for immediate dates...

GRAND ILLUSION

Released by WORLD PICTURES NYC

THE GREATEST WAR FILM

**What war does to men!
What war does to women!
What war does to humanity!**

**BOOKED SOLID BY RKO-WARNER'S-SKOURAS
And Leading Circuits
WIRE FOR DATES**

BEST FILM OF YEAR
NATIONAL BOARD
OF REVIEW
27
Weeks On
Broadway
10
Weeks Philadelphia
10
Weeks Boston
HELD OVER
EVERYWHERE

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REVIEWS OF THE NEW FILMS



"Night Work"

with Charlie Ruggles, Mary Boland, Joyce Mathews

Paramount 62 Mins.
LAUGHS AND COMPLICATIONS OF THE FITCH FAMILY MAKE PLEASING POP ENTERTAINMENT.

The irrepressible Fitches return to the screen as a family with more problems through which they muddle through in characteristic fashion. There are laughs and gags and also some serious moments, as exemplified in family life. Pix should appeal to the neighborhood audiences. Charlie Ruggles, Mary Boland, and Joyce Mathews again constitute the Fitch family, with Donald O'Connor and Billy Lee augmenting the family as adopted orphans. Principal problems presented in the film come from the two boys. One boy continually risks his neck in daredevil stunts and the other is almost lost to them when a grandfather shows up and can't make up his mind whether or not he should be allowed to stay at the Fitch house as they might make a sissy of him. Picture wanders amiably to a satisfactory conclusion with everybody happy, and the grandfather satisfied that the Fitches will take proper care of his newpew, with the other boy mending his ways.

CAST: Charlie Ruggles, Mary Boland, Joyce Mathews, Donald O'Connor, Billy Lee, John Hartley, Clem Bevans, William Haade, Ed Gargan.

CREDITS: Paramount Production; Director, George Archainbaud; Original Screenplay, Monte Brice, Lloyd Corrigan and L. R. Foster; Cameraman, Harry Hallenberger; Editor, Stuart Gilmore.

DIRECTION, Good. PHOTOGRAPHY, Good.

Films Need "Uniqueness" Dietz Tells N. Y. U. Class

(Continued from Page 1)

will come to flower when productions are "the unique result of a unique temperament," was asserted yesterday by Howard Dietz, M-G-M's advertising and publicity director, in his guest of honor role at the opening lecture on "The Cinema as Literary Art," a new course offered by the English department of N.Y.U., Washington Square College.

Dietz pointed out in his talk that movies are poor when the stories are poor or poorly written. He also cited that many authors whose works have been adapted to the screen have admitted that the resulting film production was as important, from the standpoint of literary expression as the original story.

He characterized the new N.Y.U. course as an important event because it carries with it full credit toward a degree.

Re-issue "Grand Illusion"

"Grand Illusion" will now be re-issued nationally as a war film by World Pictures, it is announced by Arche Mayers, sales manager.

"Sweepstakes Winner"

with Marie Wilson, Allen Jenkins, Johnnie Davis

Warners 59 Mins.
FAIR COMEDY ABOUT HORSES AND PRIZE MONEY FOR THE FAMILY TRADE.

The much publicized Irish Sweepstakes serves as the story material for this one. There are enough laughs and comedians in the film to put it over with the family trade. Marie Wilson, Allen Jenkins, Johnnie Davis, Charles Foy and Jerry Colonna head the cast. Marie is left a thousand dollars and an old nag named Firefly in a relation's will. Arriving in the big city she is immediately taken into camp by slicker's Jenkins and Foy. Broke, she goes back to work as a waitress in a restaurant operated by Johnnie Davis. Jenkins sells her a ticket on the sweepstakes, and much to everybody's surprise she wins \$150,000 which she promptly scatters around town in handsome fashion. She buys back Firefly and gives the slickers a further beating when she wins a fixed race with the horse. Johnnie decides to marry her even though she has a lot of money and everybody is happy except Jenkins and Foy.

CAST: Marie Wilson, Johnnie Davis, Allen Jenkins, Charles Foy, Jerry Colonna, Vera Lewis, Frankie Burke, Granville Bates, Bert Hanlon, George Lloyd, Sidney Bracy.

CREDITS: Warner Production; Director, William McGann; Screenplay, John Krafft and Albert DeMond; Original Story, Albert DeMond and Hugh Cummings; Cameraman, Arthur Edeson; Editor, Frank Magee.

DIRECTION, O.K. PHOTOGRAPHY, Good.

NBC Working on New Tele Commercial Standards

National Broadcasting Co., working in co-operation with a group of advertisers, is developing a standard of presentation for future use in the production of television programs. New technique will utilize the methods employed in pictures, stage and radio plus variations due to television problems that do not exist in the other three media.

Newest method to be presented at the network came from Lawrence Levey, free-lance tele writer and, ex-radio writer and newspaperman. Calling his material telescripts, Levey has built up shows using a combination of the other three entertainment phases, and the scripts are now in the hands of the NBC tele officials.

Also of prime interest at the present time is the manner in which commercials can be injected into the telecasts without being objectionable. As it now stands, the sponsor is being injected into the tele picture by presenting programs on time donated by NBC. The attempts to work in commercial announcements on these shows have been poor, and have received the brunt of the criticism regarding telecasts. Methods are now being studied whereby the commercials can be presented in an entirely new, yet clear and concise manner it was stated, as well as by collateral advertising.

"Sky Patrol"

with John Trent, Milburn Stone, Jackie Coogan

Monogram 61 Mins.
PLENTY OF ACTION IN THE AIRLINES WILL PLEASE NEIGHBORHOOD AUDIENCES.

Based on the comic strip "Tailspin Tommy," exhibitors in nabe houses should be able to sell this film easily. It has plenty of action, it is well paced and the cast is capable. John Trent fills the "Tailspin Tommy" role, with Milburn Stone serving as "Skeeter." Jackie Coogan gives a good performance as the son of the officer commanding the newly formed sky patrol to chase smugglers. Coogan is shot down by a smuggler's plane and picked up by them, but at the patrol headquarters it is believed he is dead. A nation-wide search is instituted for the mysterious plane and Trent and Stone discover where it operates. They deliberately bail out in an old plane in order to land near the suspected contact boat in the gulf and find Coogan safe on board, but are trapped when they are recognized. Trent fakes a message to headquarters to call off the patrol and the planes set out for the smugglers' ship. Trent and his aides foil the smugglers' plan to shoot down the patrol planes and escape from the boat as it blows up.

CAST: John Trent, Milburn Stone, Marjorie Reynolds, Jackie Coogan, Jason Roberts, Dickie Jones, Boyd Irwin, Bryant Washburn, LeRoy Mason, John Peters, John Day.

CREDITS: Producer, Paul Malvern; Director, Howard Bretherton; Screenplay, Joseph West and N. S. Parker; Based on the comic strip, "Tailspin Tommy"; Cameraman, Fred Jackman, Jr.; Editor, Carl Pierson.

DIRECTION, Well-Paced. PHOTOGRAPHY, Good.

Special Session of Congress Not to Act on the Neely Bill

(Continued from Page 1)

ters. While the House could consider the Neely Bill, observers believe proponents will not press for action at this time, preferring to wait for the regular session.

It is felt here that Congress will consider only the Neutrality Act revision at the special session. It is pointed out any attempt to bring up the Neely bill would cause resentment among some of its former backers, who would regard such move as interference with legislation of much greater importance. Further, if Congress remains in session only a month or so, as is expected, it would not give Neely bill backers a chance to drive it through Committee and onto the floor, even if they so desired.

Closes "Sudan" Deal

West Coast Bureau of THE FILM DAILY
Hollywood — Mitch Leichter has sold "Sudan" to Celebrated Film Exchange in Minnesota for distribution in Minnesota, and North and South Dakota.

"Parents On Trial"

with Jean Parker, Johnny Downs, Henry Kolker

Columbia 58 Mins.
STORY OF PARENTAL DISCIPLINE SUFFERS FROM LACK OF GOOD STORY MATERIAL.

Using the old theme of the stern father who makes life practically not worth living for the attractive young daughter, this picture might have been improved considerably if the story material broke away from the cliches. The cast is capable, and Jean Parker is attractive and efficient as the daughter of Henry Kolker, a strict disciplinarian. Jean is punished for almost everything she does and when she falls in love with Johnny Downs and marries him Kolker has the marriage annulled and gets Johnny put in reform school. However Kolker is finally made to see the light and everything is satisfactorily straightened out to smooth the path for young love.

CAST: Jean Parker, Johnny Downs, Linda Terry, Noah Beery, Jr., Henry Kolker, Virginia Brissac, Nana Bryant, Richard Fiske, Mary Gordon.

CREDITS: Columbia Production; Director, Sam Nelson; Screenplay, J. R. Bren, Gladys Atwater and Lambert Hillyer; Story, Lambert Hillyer and J. R. Bren; Cameraman, John Stumar; Editor, James Sweeney.

DIRECTION, Adequate. PHOTOGRAPHY, Good.

Kuykendall to Address Meet of Ark.-Miss.-Tenn. MPTO

(Continued from Page 1)

Tennessee, to be held here next Sunday and Monday, will be Ed Kuykendall, MPTOA prexy, A. K. King, president of Mississippi Theater Owners, and Lawrence J. O'Donnell of the Interstate Circuit of Dallas. Others who will attend include John H. Harris of Pittsburgh, president of the Variety Clubs of America, and Sam Moscow of Columbia Pictures.

The sessions will be held at the Variety Club's rooms at the Hotel Gayoso. Registration will start Sunday morning, followed by screenings at the Grand Theater. Badges will admit all those registered to any Memphis theater in the afternoon.

Business session opens Monday morning at which report of officers will be made, committees appointed and officers for the ensuing year elected.

The usual complimentary luncheon will be given Monday noon through the courtesy of the theater managers of Memphis. Peerless Poster Exchange, National Theater Supply Co., National Screen Service, Inc., Film Transit, Inc., and Malco Theaters, Inc.

An open golf tournament will be held Monday afternoon at 1:30 at the Memphis Country Club.

The session will end with a dinner dance Monday evening. M. A. Lightman was responsible for the arrangements for the convention.

★ REVIEWS OF THE NEW FILMS ★

★ FOREIGN ★

"Mademoiselle Ma Mere"

with Danielle Darrieux, Alerme
J. H. Hoffberg 77 mins.

WITTY AND AMUSING COMEDY WITH EXPERT CAST MAKES FILM ONE OF BEST FRENCH IMPORTS.

Witty in the Gallic manner, this film is one of the best of the French imports to be seen here and it should highly entertain adult audiences. It is complemented with a complete set of English titles for the benefit of those who don't understand French, but in this case the action is sufficient in itself to get the story across. Danielle Darrieux, Alerme, Pierre Bresseur, Pascali and a competent supporting cast carry the action with good results. Miss Darrieux in a fit of pique marries Alerme, an aging and rotund gentleman. However, Bresseur, his son, was an unknown quantity when the marriage took place and Danielle finds him young and handsome. The marriage in name only is soon straightened out in order to smooth a path for true love, but not before numerous and hilarious incidents have been unfolded on the screen.

Cast: Danielle Darrieux, Alerme, Marcel Simon, Pierre Brasseur, Pascali, Robert Arnoux, Larquey.

CREDITS: Regina Films Production; Director, Henri Decoin. Presented at the 55th St. Playhouse with French dialogue and English titles.

DIRECTION, Deft. PHOTOGRAPHY, Good.

"A Brivele der Mamen"

(A Letter to Your Mother)

with Lucy Gehrman, Max Bozyk, Alexander Stein

Sphinx Films 106 Mins.

HEAVY DRAMA CAPABLY PERFORMED AND PROJECTED TO SCREEN WILL APPEAL TO YIDDISH FANS.

Typical of heavy Yiddish drama, this picture uses a successive number of discouraging incidents to build up the theme. Picture is timely right now with its post-war refugee problem. Lucy Gehrman handles the principal role efficiently and she is capably supported by a good cast. Max Bozyk interjects a number of comedy touches in the film to lighten it up. The story in brief: Miss Gehrman is deserted by her husband, tormented by a daughter's sins, and by the loss of her two sons.

CAST: Lucy Gehrman, Max Bozyk, Alexander Stein, Chane Levin, Gertrude Bulman, Icchok Grudberg, Irving Bruner, Edmund Zayenda, Misha Gehrman, Simche Fostel.

CREDITS: Produced and Directed by Joseph Green. Presented at the Belmont Theater with Yiddish dialogue and English titles.

DIRECTION, O.K. PHOTOGRAPHY, Good.

"Betrayal"

with Suzy Prim, Pierre Richard-Wilm
World Pictures 85 Mins.

ELABORATE HISTORICAL ROMANCE PRESENTS EPISODE IN LIFE OF CATHERINE THE GREAT.

Partly fictional, this French film portrays an episode in the life of Catherine the Great of Russia. The production is elaborate and sweeping, but there is a lack of humor and color. The principal characters are able, and the direction of Fedor Ozep is adequate. Story concerns the attempt of Catherine, Suzy Prim, to foil a plot against her being hatched in Italy. Pierre Richard-Wilm, Catherine's favorite, is dispatched to Italy on the mission but he falls in love with one of the plotters, Annie Vernay. It ends on a tragic note when Miss Vernay is trapped by Catherine, and Wilm, after confessing his love, dies with her.

CAST: Suzy Prim, Pierre Richard-Wilm, Annie Vernay, Roger Karl.

CREDITS: Producer, S. Nebenzahl; Director, Fedor Ozep. Presented at the Little Carnegie Playhouse with French dialogue and English titles.

DIRECTION, Adequate. PHOTOGRAPHY, Good.

"Fehervari Huszarok"

(Seven Roses)

with Antal Pager, Maria Egly
Danubia Pictures 72 Mins.

MIXTURE OF ROMANCE AND MUSIC WILL APPEAL TO HUNGARIAN AUDIENCES.

A pleasing little picture by all standards, this Hungarian release, however, has no value for audiences outside of its own sphere, as it lacks English titles. The players are capable, and the story moves briskly along from start to finish with the proper amount of music and comedy to please. Story concerns Antal Pager's love for Maria Egly. His horse crushes seven roses in her garden and she sets him to the task of bringing her seven roses at the rate of one a day from seven different villages. Several attempts are made to prevent him from meeting his end of the bargain, but who can stop a dashing Hungarian Hussar when he is making love?

CAST: Antal Pager, Maria Egly, Julius Kabcs, Lili Berky, L. B. Kopecki, Piri Peery.

CREDITS: Kino Film Production; Director, Martin Keleti. Presented at the Modern Playhouse with Hungarian dialogue and no English titles.

DIRECTION, Good. PHOTOGRAPHY, O. K.

Para.'s "Blue Danube" Ready

The first of Paramount's Three Symphonic shorts for the 1939-40 season, "The Blue Danube Waltz" has been completed and is scheduled for national release on Sept. 29, Lou Diamond, head of Paramount's short subject department, said yesterday. Frederic Feher and The National Philharmonic Orchestra of U.S.A. to interpret the Strauss composition.

★ SHORTS ★

"Nevada Unlimited"

RKO Pathe News 9 mins.
Interesting Short

Nevada, all 100,000 square miles of this great Western state, provide the scenic background for this short. The vast resources of the state come in for explanation and we see a number of the old ghost towns that sprang up in the boom days, but are now deserted landmarks. An interesting sequence shows the workings of a great copper mine. Reno and Carson City share the spotlight and Boulder Dam is also shown. Frederic Ullman, Jr., produced and Frank Donovan was the supervisor.

"Information Please"

RKO Pathe News 10 mins.
Good Entertainment

Here is a short that is not only entertaining, but is extremely timely. "Information Please" and its redoubtable experts have gained a huge air following who will go to theaters to see them in action in the flesh. Shepherded by master of ceremonies Clifton Fadiman, John Kieran, scar Levant, Franklin P. Adams and Rex Stout wrestle with a set of brain twisters in the short. There are plenty of laughs and the questions are all interesting. Short should entertain all types of audiences as it is highly diverse in subject matter. Frederic Ullman, Jr., produced and Frank Donovan gets credit as the supervisor.

"Gun Play"

RKO Pathe News 9 mins.
Corking Sport Reel

Interesting to everybody who is outdoor minded is the subject of shooting, and shooting is shown in this reel at its best. Expert gunners demonstrate their marksmanship on clay pigeons at an upstate shooting club. The trap layouts are particularly ingenious, with the different pigeon blinds set all over the preserve under conditions that most closely simulate natural hunting country of different types of birds. There is a quail shoot, a woodcock shoot, and also ones for grouse, doves and several other game birds. The gunners demonstrate in each one of the different blinds and wind up on the skeet shoot range. Frederic Ullman, Jr., produced and Frank Donovan was the supervisor.

Two Ark. Houses Sold

Siloam Springs, Ark.—Clyde T. Killebrew, owner of the Rialto and Grand theaters has sold his interests to a Mr. Rook of Tecumseh, Okla., it is announced. The theaters are said to have been sold for \$50,000. The new owner will take charge Oct. 1.

AUGUST ADMISH TAXES SHOW \$88,405 JUMP

(Continued from Page 1)

425,062.88 for August, 1938. The August collection is \$20,781.65 less than the \$1,534,249.77 figure for July, 1939, however.

Broadway figures likewise show a gain compared to August, 1938 and a drop compared to the previous month. Broadway collection for August, 1939, was reported at \$336,191.27 compared to \$282,512.90 for the same month of 1938 for a gain of \$53,678.37. The July, 1939, Broadway collection of \$397,415.64 was \$61,224.37 more than the August amount.

Al Adams Leaves Republic Advertising Post Saturday

(Continued from Page 1)

who will take over the department was issued yesterday by the company, but Film Row reports were to the effect that Dave Whalen and Charles Jones, both with Republic's current promotional forces, will fill the vacancy.

Adams has been prominently identified with industry's merchandising activities for a long span, having been on the staff of Paramount-Publix Corp. for 10 years and with UA for three.

FOR TOP SPEED PLUS CONVENIENCE ...PHONE

RAILWAY EXPRESS

Whatever you have to ship—news reels, feature films, "props"—anything—just call RAILWAY EXPRESS, and presto! they're there, delivered and receipted! It's one, complete, day and night top-speed shipping service for the entire film trade. No extra charge for convenient pickup and delivery in all cities and principal towns. Low rates also include receipts and \$50 insurance. For super-speed on rush deliveries use 3-mile-a-minute AIR EXPRESS—2500 miles overnight! Arrange regular shipping schedules with your local RAILWAY EXPRESS agent today, or whenever you have anything to send.

1839...A Century of Service...1939

RAILWAY EXPRESS
AGENCY INC.

See our exhibits at the two great Fairs!

THIRD QUARTER NET OF CFI AT \$232,000

(Continued from Page 1)

Yates. This is equivalent to 58 cents per share on the 400,000 outstanding shares of \$2 preferred stock. For the third quarter last year, Consolidated's net income was \$218,763, or 54 cents per share.

A net income for the months of July and August, after depreciation and normal Federal taxes, was reported yesterday at \$151,416.

Yates, who recently returned from an extended European tour, said that in his opinion the adverse effect of the foreign situation on the motion picture industry would be offset in a measure by the steps which are now under way to curtail overhead.

"The increasing employment and rising national income accompanying the wartime acceleration of business in this country," he said, "should reflect itself in increased theater attendance during the 1939-40 season and prove an important offsetting factor."

Further progress for Republic, in which Consolidated has a substantial interest, was forecast by Yates, who added that further expansion of Consolidated's business was being worked out.

Kemper Sells Theaters

Shelby, O.—R. T. Kemper has notified exchanges that he has disposed of his holdings in the Kemper Theaters, Inc., operating the Crest at Crestline and the State and Opera House, Shelby. Tom Gregory is now booking the Kemper houses. Kemper is affiliated with the Century Theatrical Enterprises, Inc. of Buffalo.

Pfotenbauer to Pueblo

Oklahoma City—B. H. "Bob" Pfotenbauer, manager of the State Theater here, has resigned to accept a position as manager of Westland Theaters, Inc., new Chief theater in Pueblo, Colo., set to open Sept. 22. His successor has not as yet been announced by T. B. Noble, Jr., man-

Testimonial for Machat

Chicago—Lou Machat, manager of B & K's Maryland theater is celebrating his thirtieth anniversary in show business. The merchants of the district, where the house is located will tender a dinner. Executives of B & K will attend.

From Pix to Cattle

Little Rock, Ark.—Semi-annual Fall convention of the Arkansas ITO will be held here Oct. 15-16, it was announced following a meeting of the board of directors. O. C. Wren, president, stated this date was set in order to give delegates an opportunity to attend the second annual Arkansas Livestock Show in North Little Rock, Oct. 16-22.

Two Film Industry Threats ... war and regulation are related

(Continued from Page 1)

industry but as well for those who profess to see in government regulation a trade cure-all.

The shortest avenue to government regulation is war. Still in its knee pants, this industry had a taste of what war-time regulation can mean, back in 1917 and 1918. But it was only a taste—merely a single sip from the spoon. Witness the regulations under which the British and French industries—both in democracies—today are operating.

WAR in Europe is costly in lost business, but the industry already, fortunately, has given evidence of its ability to cope with that problem. American participation in the war, however, would cost this industry more than dollars. The implication is plain in these Haysian words:

"The people of this nation, who, in the last analysis, are trustees for the motion picture as an institution, should not forget that wherever, as in Germany and Russia, the heavy hand of government has come to dominate it, the motion picture as art has withered. Little indeed has remained except crude, crass propaganda."

Certainly, the stake of the indie here is as great as the stake of the producer, the distributor and circuit affiliate.

As a prelude to his clarion call, "keep this country out of war," the MPPDA prexy stressed, "The American motion picture is distinctly the product of freedom, which encourages initiative, industry and art." It is all that...and it is, as well, the product of peace. Not war but peace brought this industry to its present enviable position. And all of its aims are dependent upon peace for its further growth and prosperity, at home and abroad.

It is well to bear this in mind for today there is far too much talk heard that American participation in the war is "inevitable." Concerning that the Wall Street Journal editorially aptly says, "It may or may not be the fault of self-interested propaganda; in any case it is a weakness of the spirit which points to a surrender in advance of any will on our part to manage our own affairs. It is a completely false apprehension of the realities of our situation."

GETTING back specifically to Government regulation for a final paragraph, there's plenty of pertinent "punch" in the Hays reminders that "the burden of proof should always rest upon those who would extend government control over any aspect of private business" and that "the power of the government should never be used to enable one citizen to exploit another, or to give one branch of an industry undue advantage over another."

Those who presumably feel otherwise may not realize it, but government control and government partisanship are double-edged weapons.

Fine Arts-GN Deal Said Unaffected by RKO Pact

(Continued from Page 1)

Arts deal with Grand National. It was pointed out yesterday by both Warner and E. W. Hammons, GN president, that when the latter company's refinancing setup has been completed, a production-distribution contract between Fine Arts and Grand National is likely to be signed.

It is understood that Warner is ready to produce 26 pictures for Grand National when the Hammons organization is prepared to handle their distribution. This depends on the completion of current financing deals which are reported to be near the closing stage.

To Preview "Middletons"

"The Middleton Family at the New York World's Fair," feature-length Technicolor commercial pix, just completed by Audio Productions, will be previewed at the Waldorf-Astoria for the advertising trades and the press. Pix, a talkie, was directed by Robert R. Snody of the Fuller & Smith & Ross agency.

Smalley Circuit Rebuilds St. Johnsville Theater

Cooperstown, N. Y.—Smalley Circuit, which improved the Coopers-town Theater here at a cost of \$25,000 and the Delhi at Delhi at a cost of \$22,000, is now reconstructing the St. Johnsville Theater, St. Johnsville. The theater will be rebuilt entirely with the exception of the four walls. The stage will be torn out and the theater extended 20 feet. A new marquee, lobby, seats and all modern appointments are scheduled. The total cost will be approximately \$18,000.

Dave Charnas to Coast

Cleveland—Dave Charnas, brother of Harry Charnas, has resigned as shipper for Big Feature Rights and has gone to California where he has a motion picture connection. Hillard Levy, formerly of RKO succeeds Charnas at Big Feature Rights.

To Film Pix in Georgia

West Coast Bureau of THE FILM DAILY Hollywood—Para. is sending a company of 200 next month to Albany, Ga., to film "The Biscuit Eater," James Street's Satevepost story. Stuart Heisler will direct.

SURVEY SHOWS FILMS KIDS' FIRST CHOICE

(Continued from Page 1)

America, weekly news magazine for youngsters, and covered marketing areas which account for 55.2 per cent of U. S. retail sales. Co-operating in it were 51 elementary and junior high schools and 50 nationally known companies.

Two out of five voted in favor of films, while sports, second choice, got the ballots of only one out of four.

Polled on favorite pix, "Boys' Town" led with a 15.6 per cent tally. "Gunga Din" was the best liked by 11.5 per cent, "Jesse James" by 9.8 per cent. Other favorites were "Robin Hood," "Dawn Patrol," "Snow White," "Kentucky," "Marie Antoinette," "You Can't Take It With You," and "Tom Sawyer."

Tyrone Power is the idol of 10.1 per cent, and Richard Greene and Errol Flynn rate second with 8.9 per cent. Mickey Rooney is fourth with 7.4 per cent, Spencer Tracy is fifth with 5.4 per cent. Then come Deanna Durbin, 3.3 per cent, Sonja Henie, 3.1 per cent, Clark Gable, 2.2 per cent, Jeanette McDonald, 1.9 per cent, and Nelson Eddy, 1.6 per cent.

Copies of the survey can be obtained from "Young America," 32 East 57th Street, New York City.

"Rangle River" Deal Closed

Deal has been closed by Pat Garyn, southwestern district manager for J. H. Hoffberg, with the Griffith circuit to play "Rangle River." Film is an Australian production being distributed here by Hoffberg.

Pocahontas House Debuts

Pocahontas, Ia.—Jack Bouma has opened the new Rialto theater at Pocahontas. It is a 432-seater with two entrances. The building is 36 by 127 feet, has a terra cotta and ceramic tiled front of modern design.

To Attack Bingo Ban

Detroit—Recent ban on Bingo, following statements of Governor Luren D. Dickinson attacking it, will be challenged up to the Michigan Supreme Court, Miss Loretta M. Gibson, director of Mercy Hall, institution for destitute cancer patients, said.

Jitters

St. John, N. B.—More than 3,500 miles away from Europe's battlefield, this city's pix theaters are feeling the war at the b.o. Blamed is the jittery feeling engendered by home defense measures. Talk of the possibility of German bombers coming over, restrictions on outside lights and a test blackout are keeping hundreds close to home.

THE Film DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 58

NEW YORK, FRIDAY, SEPTEMBER 22, 1939

TEN CENTS

Survey of Producers Problems Now Premature--Schenck PRODUCERS, IATSE CONFER TODAY ON WAGES, HOURS Erie Anti-Trust Suit Names Majors, Indies, Exhibs.

Action, Charging Conspiracy, Asks Total Damages of \$425,000

Erie, Pa. — Charging conspiracy and asking a total of \$425,000 damages, United Exhibitors, Inc., and Penn State Theater Corp., have filed an anti-trust suit against the eight major companies, Republic, Monogram, Erie Amusement Corp., Colonial Amusement Corp. and seven local theaters.

The action was filed by the trustees of the Maxwell and Sally Kate Emerman estate, operators of the State Theater here.

The plaintiffs charge the distributors with refusing to sell them

(Continued on Page 8)

WAR WITHOUT EFFECT, SAYS EASTMAN KODAK

Rochester — Assurance that the war in Europe will not cause a shortage of materials and thus affect operations is given by Eastman Kodak in notices posted on bulletin boards throughout the plants of Kodak City.

Recalling conditions prevailing at

(Continued on Page 8)

Newsreels Rush Special Clips on F. D. R.'s Talk

Special clips on President Roosevelt's message to the Congress, personally read, yesterday were dispatched to all accounts last night by the newsreel companies, who had shipped their latest releases short

(Continued on Page 8)

Joseph M. Schenck Off for South America

West Coast Bureau of THE FILM DAILY

Hollywood—Joseph M. Schenck, chairman of the board of 20th Century-Fox, left here today for Mexico and South America where the 20th-Fox organization will make an intensive drive for business.

ASCAP-NEB. DECISION EXPECTED BY NOV. 1

Lincoln, Neb.—Decision in Ascap's suit against the constitutionality of Nebraska's statute directed against its activities within the state, is expected by Nov. 1. The State closed its case yesterday and the Court called for supplementary briefs by Oct. 6.

Louis Frohlich, for Ascap, contended that the case had developed only two points: constitutionality

(Continued on Page 3)

Picture Pioneers Fall Conference on Oct. 20

Fall Conference of the Picture Pioneers Inc., will be staged Oct. 20, by the Executive Committee determined at a Hotel Astor meeting yesterday. A statement issued by Jack Cohn, Chairman, stated that

(Continued on Page 8)

TREND TOWARD VAUDE MARKED IN CHI. AREA

Chicago—Trend towards vaude in this territory is marked, with exhibs. seeing the use of "flesh" this Fall and Winter hitting a new high for a period of years.

On the Loop, B & K will alternate "name" bands at their ace Chicago theater and State Lake, the popular run house. They may use vaudeville at the Congress, on the north-

(Continued on Page 6)

Diamond Sees War Jumping Demand for Musical Shorts

Lou Diamond, head of Paramount's short subject department, predicts a bigger market for musical shorts and cartoons as a result of the present war in Europe. Diamond bases his opinion on personal observations in theater showing newsreel shots

(Continued on Page 8)

Six-Hour Work Calls Among Demands That IATSE Will Make

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood—With bargaining election settled, conferences over wages, hours and working conditions will be resumed this afternoon by committees representing the IATSE and the producers.

The election [result of which was exclusively reported in the East yesterday by THE FILM DAILY] ended a vicious campaigning in which IA branded USTG leaders as communists, and USTG launched attacks on George E. Browne, William Bioff, John S. Gatelee, Frank Stickling and

(Continued on Page 7)

BONUS FOR PRODUCERS VOTED BY UA'S BOARD

United Artists board of directors yesterday acted favorably on declaring a distribution of bonuses this year to the individual producers in the company's fold under the formula agreed upon last year which provides that a share of the company's earnings be disbursed to each indi-

(Continued on Page 3)

McConville Latin-American Trip Off; Returning Monday

A change in his plans occasioned by the European situation, J. A. McConville, Columbia's foreign head, is deferring, temporarily, his Latin-American survey trip and will return to New York Monday from

(Continued on Page 8)

Schenck Counsels Survey of Industry Problems Await Full Information

Dramatists Guild-Majors Pact Within Five Weeks?

Although no definite agreement was reached regarding a new pact to finance play production by the film companies when the majors' representatives met with the Dramatists' Guild Executive Council this week, it was reported yesterday by a Guild exec. that "an agreement might be

(Continued on Page 8)

West Coast Bureau of THE FILM DAILY

Hollywood — In connection with Samuel Goldwyn's suggestion that a fact-finding committee be created to study industry problems, Joseph M. Schenck, president of the AMPP, has sent Goldwyn the following letter:

"I feel that you are entirely correct in your analysis of the situation caused by the war in Europe and that your estimate of losses is

(Continued on Page 3)

"The Women" Clicks

Opening of "The Women" yesterday at the Capitol, Broadway, was reported to have been the biggest since January, with the exception of the first day of "The Wizard of Oz," which included Mickey Rooney and Judy Garland in person. It was said that yesterday's opening equalled that of "San Francisco" and "Mutiny on the Bounty."

LeBaron to Confer

William LeBaron, Paramount's production chief, is due in New York tomorrow morning for product conferences with home office executives. Effect of present war on future product and studio operations is believed by some to be the reason for the Eastern visit.

THE FILM DAILY

ALL THE NEWS
ALL THE TIME

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/2	11 1/2	11 1/2	+ 1/2
Col. Picts. vtc. (2 1/2%)	7 3/4	7	7 1/8	- 3/8
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	
Con. Fm. Ind. pfd.	9 1/2	9 1/8	9 1/8	+ 1/8
East. Kodak	159 1/2	157 3/4	159	+ 1 1/2
do pfd.				
Gen. Th. Eq.	9 3/8	9 3/8	9 3/8	- 1/8
Loew's, Inc.	34	33 1/4	33 1/2	- 1/2
do pfd.				
Paramount	7 3/8	7 1/8	7 1/8	- 1/4
Paramount 1st pfd.	80 1/2	80 1/2	80 1/2	+ 1 1/2
Paramount 2nd pfd.	8 1/4	8 1/8	8 1/8	- 1/8
Pathe Film	10 7/8	10 1/4	10 1/4	- 1/8
RKO	1 1/2	1 1/2	1 1/2	
20th Century-Fox	13 3/8	13 1/8	13 1/8	- 1/8
20th Century-Fox pfd.	22 3/4	22 3/4	22 3/4	- 1/4
Univ. Pict. pfd.				
Warner Bros.	4 1/8	4	4	
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/4	100 1/8	100 1/4	+ 1/8
Loew's deb. 3 1/2s46	95	95	95	
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47	79 3/4	79 1/2	79 1/2	- 1/2
RKO 6s41				
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48	80 1/4	79 1/2	79 1/2	- 1/2

NEW YORK CURB MARKET

Monogram Picts.	1 1/4	1 1/4	1 1/4	
Sonotone Corp.	1 1/4	1 1/4	1 1/4	
Technicolor	12 1/4	12	12 1/8	+ 1/2
Trans-Lux	1 1/2	1 1/2	1 1/2	
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	
Fox Thea. Office Bldg. 1st '46	3 3/8	5
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	63	66
Roxy Thea. Bldg. 4s 1st '57	57 1/2	60

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Frisco Exhibs. Want Coast Exposition to Run in 1940

San Francisco—The Golden Gate International Exposition in all probability will reopen in 1940 for a four or five months' run.

George Creel, Federal Commissioner to the Fair, has written President Roosevelt urging a Federal appropriation to continue the Federal participation for another year, and local and state business interests are actively campaigning for it, and offering financial aid. The Exposition Board of Management is favorable. Managing Director Charles H. Strub believes that the fair could operate successfully and profitably for four or five months.

Local theater executives, too, would welcome it. This year, it has brought thousands of tourists into the city and state, and the theaters all benefited, according to the exhibs. and circuit execs.

The European war is regarded as another factor in favor of continuance. There will be little European travel, diverting tourist business to this country.

Boycott of Ascap's 7-Day Music Festival Averted

Possibility of a union boycott of Ascap's seven-day music festival, starting on Oct. 1, was averted yesterday following a conference between Mayor F. H. La Guardia and executives of the American Federation of Musicians at which time it was agreed that the Boston Symphony orchestra, a non-union, organization, would not appear. It was reported last night that the New York Philharmonic orchestra would replace the Boston orchestra.

Boycott action was threatened by the musicians' union as every orchestra scheduled to play at the festival is 100 per cent union with exception of the Boston group. Festival celebrates Ascap's 25th anniversary.

Report Kaplan's Hat in Ring For Local 306 Presidency

Reports were current yesterday that at the coming Fall elections of Local 306, operators, Joseph Basson, incumbent prexy, who will run again, will be opposed by Sam Kaplan, a former officer in the union. It was said that Kaplan and his followers are starting an intensive campaign with letters, postcards and stickers being used to reach the union's members.

Pittsburgh Operators Close With 3 Circuits

Pittsburgh—The IATSE operators' union here signed a new two-year contract with the local Warner, Harris and Loew circuits. Negotiations with the Shea Circuit have not yet been completed. The stagehands' union also signed a new one-year contract.

Cinecolor's Reduction Process Now Available

West Coast Bureau of THE FILM DAILY

Hollywood—Cinecolor's new process for making 16 mm. reduction prints from 35 mm. color negative is ready, it is announced by A. L. McCormick, Cinecolor's prexy.

Availability of the new reduction process is expected to be a boon to distributors of films to schools, churches, libraries and institutions where 16 mm. projectors are the rule. Cinecolor claims it is able to deliver sound track as good as black and white film, color quality same as standard Cinecolor on 35 mm. film, and guarantees uniformity of prints.

Uncertainty of getting good sound in 16 mm. color reductions is said to have bothered both distributors of this size film and industrial film producers as well. Variance between prints has also been a hazard.

UDT Reorganization Slows Buying Season in Detroit

Detroit—Local film buying season is largely at a standstill, with salesmen generally impatient to conclude contracts, but all action dependent upon completion of deals with major Detroit theaters. Reorganization of United Detroit Theaters circuit, on withdrawal of George W. Trendle, is understood to be a cause of delay in signing on the part of this principal local circuit. Co-Operative Theaters, with the bulk of larger independents, has also delayed. Subsequent-run houses have been held up in their deals by the leaders, of course.

Interstate Deal Completed, Grainger Flies to Chicago

Chicago—James R. Grainger, president and general manager of distribution of Republic, arrived here last night by plane from Dallas where he closed a product deal with the Interstate circuit.

While here Grainger will complete deals with Warners and the Essaness circuit.

He stated that the business outlook was improving.

George French to Manage Providence Albee Theater

Boston—Appointment of George French, who for many years was manager of Keith's Memorial Theater here, to the management of the RKO Albee Theater, Providence, was announced yesterday. French replaces Harry McDonald, who is now RKO division manager. William McCourt has been acting manager in Providence since the Albee opened.

French has been out of the theater business for the last two years.

Penn, Titusville, Bows In

Pittsburgh—Warners new 750-seat Penn Theater in Titusville opened yesterday with a gala premiere.

COMING AND GOING

JOSEPH M. SCHENCK left Hollywood last night for Mexico and South America.

WILLIAM LEBARON, Paramount's managing director of production, is scheduled to arrive in New York today for home office confabs.

ROY HAINES, Eastern and Canadian sales manager for Warners, left last night for Buffalo for a short stay. He was accompanied by CHARLES RICH, Buffalo branch manager, who was in New York for conferences with home office execs.

JACOB KARP, Paramount attorney on the Coast, arrives here today for a six weeks' stay on business.

RICHARD THORPE, Metro director, and MRS. THORPE, have returned to Hollywood.

CHICO MARX and his wife arrive here Monday from Hollywood.

BETTY KERN arrives here next week from the Coast.

HENRY BLANKENHORN, head of Cosmocolor, flew to the Coast yesterday on TWA's Sky Chief.

FRANKLYN WARNER arrives in Hollywood this morning from New York.

HERBERT WILCOX and ANNA NEAGLE have arrived in New York.

T. C. McELROY, Oregon exhib., H. SHAPIRO, Pa. exhib., E. ROCHEFORT, Quebec exhib., MRS. JOHN ANTON, Pennsylvania exhib., W. BERNARD DEMING, Ohio exhib., and P. SCHRAM, Michigan exhib., were visitors this week at the RKO Lounge.

PAUL MUNI arrives in New York today from Hollywood to appear in a stage play.

EDMUND GOULDING is scheduled to arrive here this morning from the Coast.

MAUREEN O'HARA has cancelled her return trip to England at this time, remaining on the Coast to do several more pictures.

HARRY GOLD left last night for Fort Worth, Texas.

HERMAN BLUM, treasurer of National Allied, was a visitor yesterday at the RKO Lounge.

JACKIE COOGAN is at the Warwick.

TAYLOR CALDWELL, author of "Dynasty of Death," left her Buffalo home yesterday for Hollywood to work on the screenplay of the book. Walter Wanger is producing the picture.

CHARLES GENTRY, film editor of the Detroit Times, has returned to that city after a European trip.

J. A. McCONVILLE, Columbia foreign head, returns from Havana on Monday.

JACK SEGAL and ARNOLD PICKER, Columbia home office foreign department execs., arrive in New York Monday from Cuba.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 22

Eric von Stroheim Carlyle R. Robinson
Eleanor Marshall

SEPTEMBER 23

Albert Lewin Martin Van Praag

SEPTEMBER 24

Winfield R. Sheehan Julia Faye
A. L. Rockett Harvey B. Day
Ben Blake

BONUS FOR PRODUCERS VOTED BY UA'S BOARD

(Continued from Page 1)

vidual producer, it was learned following the huddle.

The meeting was described as being instructive, with a thorough discussion of effects of the European war. Plans of Alexander Korda are unchanged, it was said, with Korda now working on a picture about the English air force which is in feature length and will in all probability be distributed here. It had previously been understood that the air picture Korda was producing was a propaganda short.

Presence of Joseph Rosenberg in New York at this time was said to have no significance regarding UA financing. It was asserted that no changes will be made in the UA producers' programs and all financing arrangements are set.

Expect Decision by Nov. 1 In the Ascap-Nebraska Suit

(Continued from Page 1)

and monopoly. He asserted that it was not satisfactorily proven by the State that monopoly existed, nor that the Nebraska Legislature was within its rights in passing a law which renounced property rights guaranteed by the copyright law passed by Congress.

Frohlich also said that Ascap's 25 years in business rated it a certificate of character, especially when all members, by deposition and in person, testified the Society furnished the easiest, simplest and cheapest method of collecting performance rights. He further said that the Nebraska statute asks the fixing of a price for all uses when a musical composition is published, and which asks composer-publisher to look 56 years, the term of copyright life, into the future and quote prices for developments which have not been made, such as television. Ascap, he said, had done more to foster entertainment than anything else in the United States.

William Hotz, for the State, branded Ascap an unfair competitor, price fixer and a monopoly controlling 90 per cent of usable music. He said that Ascap members were forced into higher classification by Ascap's insistence to networks that certain members' music be given plentiful airshots and air credits, and then guaranteeing the composer-publisher a higher rating. He also stated that three or four cents added to the sheet music price collected by the publisher would bring in as much money as the Ascap source.

Detroit B. O. Better

Detroit—Decided business pickup is noted by almost all local exhibitors. Cooler weather and closing of local amusement parks for the season were factors.

ALONG THE



WITH PHIL M. DALY

● ● ● OUT of Halifax and flush on this department's delicious-looking desk top.....bounced a dispatch yesterday.....which belongs properly in the file under the heading Believe It Or Not..... On Aug. 4, 1914, the date of the World War's declaration.....Franklin & Herschorn.....launching a circuit of pix theaters in the Maritime Provinces.....leased the Nickel Theater in Halifax from the Keith-Albee camp.....which had established it about eight years previously..... The name was changed to the Family Theater by the lessees.....

● ● ● NOW then!.....On September 3, 1939, by gosh..... the very day on which the present war was declared.....Franklin & Herschorn bought the Family Theater from RKO, successor of the Keith-Albee camp.....The rest of the story tells that.... since the time of having leased the house.....F & H have operated it continuously.....and have built the Dundas and Mayfair in Dartmouth.....across Halifax harbor.....have taken over the Community in Halifax.....acquired the Community, Yarmouth.....built the Mayfair and Regent in St. John, N. B..... and closed the Royal in Dartmouth, after opening the Mayfair....

● ● ● OVER in London.....famous Wardour St.....which corresponds to.....and, under normal conditions, frequently with New York's Film Row.....has been silent as to why so-called skeleton staffs are in some instances still functioning.....in pix offices along the thoroughfare.....despite the general evacuation in favor of suburban safety.....But most of the U. S. branches on Wardour have hied off to hide away.....from a possible "rain of terror" from the skies.....Columbia is one of the companies reported as still maintaining a skeleton staff.....a brave stand.....Too, Paramount's publicity department is rumored to be sticking close to the urban scene.....by operating out of the Plaza Theater.....Para's pet U.K. house..... The publicity boys have proved they can dish it out.....and that's pretty good indication that they can "take it" just as well.....

● ● ● WORD was dropped to this department yesterday..... that two major company branches had actually moved back to Wardour St.....from their precautionary "exile" in the suburbs.....but in most cases the others.....will stick in the sticks..... As far as is actually known.....the majors' addresses currently are.....20th-Fox, Wembley studios.....GFD (Universal's representatives), Sydmon Court, Newbury, Berks.....Columbia's main personnel body, Wadhurst Castle, Wadhurst, Sussex, and despatch handled from Denham Laboratories, Denham, Bucks..... M-G-M, Scotsbridge Mill, Scots Hill, Rickmansworth.....Paramount, Pinks, Shenley, Herts.....RKO Radio, Imperial Studios, Boreham Wood.....Warners, Teddington.....and UA have "alternative accommodation" at Eaglehurst, Orch Hill Ave., Gerrards Cross.....

● ● ● IT being an old newspaper custom.....the boys covering the studio workers bargaining agency election.....on the Coast Wednesday.....got up a pool on the result.....And did this sheet's Ralph Wilk crash through to win!.....Ralph jotted down that the IATSE..... would win by a 4,600 vote.....The actual tally for the IA was 4,460.....That's calling 'em.....

SCHENCK URGES DELAY ON PROBLEM SURVEY

(Continued from Page 1)

conservative. I am sure that all producers are agreed that quality of production must not be impaired and that the first requirement will be to give the public the very best in pictures. Nothing must be permitted to weaken that requirement.

"However, it is my belief that your suggestion for the creation of a fact-finding committee is somewhat premature. The extent of losses in revenue is not sufficiently apparent to permit setting of definite policies. Restrictive measures based on what a joint committee would determine at this time would not be accurate. When the necessary facts concerning foreign business are definitely and conclusively established we could proceed along the line of your suggestion with a little assurance that anything that might be decided now would not be completely overturned in the light of future developments. For that reason I am counseling that we wait until all the necessary information is at hand."

Hajos Coming to New York on Shorts, Inc.; Releasing

West Coast Bureau of THE FILM DAILY

Hollywood—Shorts, Inc. has completed "Ain't Love Grand," "Trial of Eileen Ballew," "Secret of Double Doors," "Crime Doesn't Pay," first four subjects in a series of one-reel "Melody Puzzles" to be used by exhibitors for contest purposes. The subjects were directed by Reginald Le Borg.

Karl Hajos of Shorts, Inc., leaves tomorrow for New York to work on distribution plans.

Balsly Named Manager of New Altoona House

Pittsburgh—R. Allison, who operates the Rivoli Theater Circuit, has appointed Lee D. Balsly manager of his new theater in the Llysven residential district of Altoona, now under construction and which is to open in the near future. Balsly has had varied experience in the motion picture industry, with which he has been connected for the past 31 years, having recently resigned as national ad sales manager for 20th Century-Fox.

\$3.30 Premiere

West Coast Bur., THE FILM DAILY

Hollywood—Warners has adopted a \$3.30 top price scale for the world-premiere of "The Private Lives of Elizabeth and Essex" at Warner's Beverly Hills theater on Wednesday night. Other seats will be priced at \$2.20 and \$1.65.

"Help... I'm Surrounded!"

"Henry Aldrich, you stole the high school bass tuba and pawned it for dance money!"



"Henry Aldrich, you cheated in your history examination to get a high grade."



"Henry Aldrich, of all the boys in my high school you're the biggest trouble-maker!"



"Henry Aldrich, better stop drawing pictures of your teachers... they're ganging up on you!"



"Henry Aldrich, you're enough to make any girl a man-hater!"



"Henry Aldrich, wait until I tell your father what his son has been up to."

Jackie Cooper · Betty Field in

A Paramount Picture with JOHN HOWARD · JANICE LOGAN · LIONEL STANLEY

Screen Play by Charles Brackett and Billy Wilder

e'll say Henry's Surrounded ...with **RAVES!**

Paramount's **"WHAT A LIFE"**

"A grand show . . . boxoffice success. Betty Field delightful . . . makes definite niche for herself!" —*Hollywood Reporter*

Paramount's **"WHAT A LIFE"**

"Exceptionally fine, youthful antic comedy. Film captures spirit of the radio character!" —*Joe Blair, Hollywood Motion Picture Review*

Paramount's **"WHAT A LIFE"**

"Hilarious comedy. Sure-fire entertainment for man, woman and child. The most legitimate American school picture yet made!" —*Hollywood Variety*

Paramount's **"WHAT A LIFE"**

"Really swell entertainment for the whole family!" —*Erskine Johnson, Los Angeles Examiner*

Paramount's **"WHAT A LIFE"**

"Best picture of American school life to hit the screen. From every angle, this is the type of comedy exhibitors will like!" —*Pacific Coast Showman*

Paramount's **"WHAT A LIFE"**

"A grand picture. They almost had to get out the riot squad, because kids young and old laughed so you couldn't hear the lines!" —*Los Angeles Times*

Paramount's **"WHAT A LIFE"**

"A natural in picture entertainment, content and exploitability!" —*Box Office*

"WHAT A LIFE" The Adventures of Henry Aldrich ... Radio's Hard-Luck Kid!

• HEDDA HOPPER • Produced and Directed by JAY THEODORE REED

Based on the Play by Clifford Goldsmith



BELGIAN EMERGENCY OVER, HOUSES OPEN

Brussels (Delayed) — Theaters which were closed throughout Belgium due to the war emergency, have reopened, but the hours allowed for the presentation of picture shows have been shortened. Theaters now open at 11 a.m. and close promptly at 10 p.m.

Attendance figures are rapidly returning to a normal basis here. Only difficulties encountered in the film business to date have been caused by delay in delivery of prints from other countries as a realignment of shipping schedules has been necessary.

Normandie theater, new luxury house, had its formal opening as soon as the emergency period terminated, playing the Columbia picture "Only Angels Have Wings" and the March of Time Maginot Line subject.

Boyett Will Build

Dallas—Corgan & Moore, architects, are working on plans for a 625-seat theater at College Station, to be erected by A. F. Boyett. Front will be of stucco, topped by a high tower. The 140x40-ft. structure, on a corner lot, will be air conditioned. All seats will be on one floor.

"Refugee Ship" for Record

Record Picture announced yesterday that negotiations are about to be closed for the production of an original story by Nell Shipman, entitled "Refugee Ship." The plight of the SS Saint Louis, the sinking of the Athenia and rescue by the SS City of Flint are highlights.

New House for Roxana

Roxana, Ill.—Albert Crishlow of Alton plans the early erection of a film theater in this city. Plans and specifications for the project have been prepared by O. W. Stiegemeier, architect, 4412 Lindell Blvd., St. Louis, Mo.

BIG NEWS

AS SEEN BY
THE PRESS
AGENT



Boston—Carolyn Lee, aged 4, who makes her screen debut in Paramount's "Honeymoon in Bali," amazed Prof. Warren T. Powell of Boston University, by passing with flying colors child mentality tests designed by his student counseling department for children twice her age.

REVIEWS OF NEW FILMS

"Quick Millions"

with Jed Prouty, Spring Byington, Eddie Collins

20th-Fox

61 Mins.

ENTERTAINING "JONES FAMILY" RELEASE WILL APPEAL TO THE FAMILY TRADE.

Returning from their trip to Hollywood, the Joneses immediately leave for Arizona when they get a telegram that they have been left a mine by Jed Prouty's uncle. All members of the family are seen in this one, Jed Prouty, Ken Howell, Spring Byington, George Ernest, June Carlson, Florence Roberts and Billy Mahan. In addition, comedian Eddie Collins gives the picture a substantial boost with his antics as a lawyer, guide, etc. in Arizona. The family arrives at the old mine with Collins assuring them everything is all right. However, a bank robber and his gang are hiding out in the country, and without the knowledge of the family, they are in a concealed cellar. An immediate combing of the mine for gold is started, but a member of the gang posing as a geologist, convinces Prouty that there is no gold to be found. However, the boys discover a nugget and prevent the sale. The nugget came from a watch chain, but it starts the gang into action, and after a wild and hectic finish, with Prouty locked up mistakenly as a member of the gang, the desperados are rounded up and he gets the reward money.

CAST: Jed Prouty, Spring Byington, Ken Howell, George Ernest, June Carlson, Florence Roberts, Billy Mahan, Eddie Collins, Robert Shaw, Helen Ericson, Marvin Stephens, Paul Hurst, John T. Murray, Peter Lynn, Horace MacMahon.

CREDITS: Associate Producer, John Stone; Director, Malcolm St. Clair; Screenplay, Joseph Hoffman and Stanley Rauh; Original Story, Buster Keaton and Joseph Hoffman; Cameraman, Lucien Andriot; Editor, Harry Reynolds.

DIRECTION, Good. PHOTOGRAPHY, Good.

Four Warner Managers in Albany Zone Shifted

Albany — Four shifts in Warner house managers are announced by Moe Silver, zone manager, and Ralph Crebill, district manager.

Al Newhall goes from the Steuben, Hornell, to the Palace, Jamestown; Al Beckerwith leaves the Palace, Jamestown, to manage the Haven, Olean. Bill Leggiero moves from the Keeney, Elmira, to the Steuben, Hornell, and L. N. Westfall moves from The Haven, Olean, to the Keeney, Elmira.

Resuming Book Reviews

Cleveland, O. — Warners' Colony Theater, de luxe neighborhood house located in the Shaker Square exclusive residential district, Oct. 4 will resume its series of weekly book reviews matinees which were interrupted in the Summer. The program opens with a review by Mrs. Dorothy Fuldeim of "Prince Imperial," written by Katherine John.

"Calling All Marines"

with Donald Barry, Robert Kent, Warren Hymer

Republic

66 Mins.

SERVICE STORY HAS ENOUGH PUNCH TO PUT IT OVER WITH THE POP TRADE.

Although the story of the hard-boiled crook who becomes a new man when he joins the U. S. service—the Marines in this case—is familiar, several twists have been injected that make it okay for the nabe trade. Donald Barry portrays with vigor the crook who reforms. Warren Hymer is well cast as his crook pal, and Robert Kent upholds the tradition of the service as a Marine officer. Helen Mack is the romantic interest. Barry is forced to join the Marines by his gang chief in order to steal plans of a new bombing plane from the Marine test laboratory. Barry is cordially disliked, but after saving Kent from a fire on a ship, he wins some respect and friendship from his brother devil-dogs. He steals the plans and hides them in the butt of his rifle. Later, he is convinced he is making a mistake and asks Kent to destroy them as he is unable to return to the barracks at that time. Barry and Kent are both caught, but after an exciting jail break, Barry stymies the gang's efforts to get away with the model bombing plane, and he and Kent are exonerated.

CAST: Donald Barry, Helen Mack, Warren Hymer, Robert Kent, Cy Kendall, Leon Ames, Selmer Jackson, Janet McLeay, Walter McGrail, Jay Novello, George Chandler.

CREDITS: Associate Producer, Armand Schaefer; Director, John H. Auer; Screenplay, Earl Felton; Story, Harrison Carter; Cameraman, Ernest Miller; Editor, Ernest Nims.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Hollywood Cavalcade's" N. Y. Trade Show Oct. 3

Twentieth Century-Fox announced yesterday that the trade preview of "Hollywood Cavalcade" would be held at the Ziegfeld Theater on the morning of Oct. 3.

Druggists to See "Passage"

White Sulphur Springs, West Va. — First public screening of the Paramount screen version of "Disputed Passage" starring Dorothy Lamour, Akim Tamiroff and John Howard, will be held here tomorrow night at the annual convention of the National Wholesale Druggists Association. Lloyd C. Douglas, author of "Disputed Passage" who will shortly start a lecture tour of principal cities in connection with the book and picture, will be guest of honor.

20th-Fox Buys Hellman Story

Purchase of an original story written by Sam Hellman, entitled "The Californian," was announced yesterday by 20th-Fox. Story covers the period during and after the discovery of gold at Sutter's Fort. Early production of the vehicle is planned, it was said.

TREND TOWARD VAUDE MARKED IN CHI. AREA

(Continued from Page 1)

west side and the Norshore on the far north side.

The Great States circuit will use flesh acts, "name" bands and other outstanding features in several of their key spots down state, including Peoria, Joliet, Rockford, Springfield, Danville and other nearby cities.

The Warner circuit is using several acts weekly at the Stratford theater on the south side and may try out special numbers, from time to time, in other houses.

Jones, Linick & Schaefer will continue to push "name" acts and shows, like the Bon Air unit, now at the Oriental.

The Kedzie theater and several indies on the west side, use discovery shows over the week-end. Other houses on the southside, are trying the same formula.

Station WLS, with its large number of sustaining acts, books these into independent and circuit houses from time to time throughout the Chicago territory.

Both NBC and CBS artist bureaus, are booking radio stars into territorial pix houses.

Lynn Cutting Jewish Pix

Henry Lynn Jewish picture director, is completing work here on "A People That Shall Not Die," Yiddish film spectacle which he is producing for his own company. Most part of this super Jewish picture, which has been in production for more than a year, was made in Europe with a cast of 10,000. Lynn is now cutting the film which will have explanatory titles in English. It will be ready for release late this Fall.

Reopening In Zelienople

Pittsburgh—The Strand Theater, Zelienople, operated by William Thomas, has been enlarged and renovated throughout, also air conditioning and new RCA sound equipment installed, and will reopen for business Oct. 4.

Film Gals As Bowlers

Chicago—The Film Girls Club, recently organized, has lined up two bowling teams, one the M-G-M rollers, under Captain Ila Elwood and the Allied Bowlerettes, under Edith Balaban's direction.

STORKS!

Margaret Russell Ganz, former secretary to Bob Gillham at Paramount, gave birth to a six and a half pound boy early yesterday morning at the Sydenham Hospital. Mother and son are doing splendidly.

PRODUCERS MEET IATSE TODAY ON CONDITIONS

(Continued from Page 1)

other IA leaders. Gatelee hailed the victory as a justification of his contentions that studio workers would not be controlled by "any CIO-com-mur combine."

Howard S. Robertson, acting chairman of USTG, said that "We believe the cause of honest democratic trade unions has been set back 20 years by the IATSE victory." He further stated that "When Judge Henry M. Willis of the Superior Court handed down his decision in favor of IATSE in the Local 37-IA dispute, he said if the workers of Hollywood studios want to be governed by a dictatorship that is their privilege. The men seem to have exercised this privilege. As American we bow to the will of the majority."

IA leaders have announced that 200 more ringleaders will be required to face trial, but USTG is expected to appeal suspensions to the NLRB on grounds that the Wagner labor act gives workers the right to choose their own bargaining agency.

Among demands to be made by IA in conferences with producers is that occasional workers be paid at the end of each work day unless called back the following day. IA will also insist on six-hour work calls and credit on three hours when a worker has to return to the studio to collect a day's work or pass-out card for his tools, it was said.

Commenting on the IATSE victory in the bargaining election, Joseph M. Schenck, president of the AMPP, said: "It is my hope that all concerned will conduct themselves solely with a view towards bringing about industrial peace and harmony and that there will be no reprisals or discrimination."

Y. Frank Freeman, Edward Man-nix and Attorney Mendel Silverberg will represent the producers in the labor negotiations with the IATSE.

GE's Patent Agreement Revises Its Tele Status

With the revision of its radio patent agreement, General Electric has announced that it is now licensed to manufacture and sell and will immediately offer television and frequency modulation transmitters including GE tubes as standard equipment.

Also available will be a complete line of studio and control room equipment, lights, cameras, controls, monitors and antennas. The license also covers transmitters and receivers for purposes other than tele and frequency modulation.

Ernest Cook Interred

Detroit—Al Westaway, owner of the Willis Theater, has returned from Heath, Ky., where he buried his brother-in-law, Ernest Cook, 36, who was connected with the theater here. Death was due to heart trouble.

EXHIB. WARNS OF PROPAGANDA

Mallers Brothers Exec. Echoes "Think Things Through"

Defiance, O.—E. E. Bair, city manager of the Mallers Brothers theaters here, took display space for a public warning against war propaganda. Copy read:

"Definition of PROPAGANDA . . . as Generally Understood Is Expression of Opinion or Action by Individuals or Groups with Reference to Predetermined Ends."

We are fooled by propaganda because it appeals to our emotions rather than to our reason!

"THINK THINGS THROUGH"
—F. D. R.

FOLLOW THE NEWS REELS!

Confirm what you read and hear!

Lina Awarded \$1 Damages for Non-Return of Prints

Distributors manifested interest yesterday in the decision handed down by Justice Benedict D. Dineen in New York Supreme Court in the action of Lina Pictures Corp. vs. Principal Film Exchange, Inc.

Plaintiff had brought suit, as assignee of Principal Distributing Corp., for damages for failure to return prints after expiration of license agreement with defendant, the two causes of action respectively involving \$5,000, the first of which sought liquidation damages in that amount for failure to return the prints, and the second for alleged value of the prints.

Court awarded plaintiff \$1.00 in the first cause of action after construing a clause covenant to return prints or furnish affidavit of destruction, holding that the \$5,000 "liquidated damages" was out of proportion, considering fact that all the exchange had to do was furnish an affidavit of destruction, and further held that clause was a forfeiture and, therefore, unenforceable and void.

As to second cause of action in replevin, Court granted judgement for return of the prints which defendant conceded still remained on hand, and which had previously been tendered before the trial, in the pleadings and at the trial itself.

Arthur J. Homans, of the law firm of Krellberg & Fitzsimons, was trial counsel for defendant.

Adler Heads New Firm

Detroit—Milton C. Adler is heading Conditionaire, Inc., which is entering the theatrical air conditioning field here.

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PITTSBURGH'S FREE SHOWS UNDER ATTACK

Pittsburgh—While as yet there is no non-theatrical circuit sponsoring the showing of motion pictures on either 35mm. or 16mm. film in the Pittsburgh territory, there are several large industrial firms, as well as clubs, churches and schools which have been showing pictures in opposition to nearby legitimate motion picture theaters. It is this sort of competition that the MPTO of Western Pennsylvania is now directing its strenuous and consistent efforts to eliminate.

The non-theatricals which the local MPTO is endeavoring to stamp out are such as those of the H. J. Heinz Co., whose plant, located in the North Side section of Pittsburgh, employs thousands of men and women. The company regularly shows motion pictures for their entertainment free of charge. There are six motion picture theaters in this immediate neighborhood and naturally it affects their business to a great extent.

Another offender from the MPTO viewpoint is the Pittsburgh Athletic Association, located in the Schenley district where there are four regular motion picture houses, and which shows pictures several nights a week for its members and their families and friends, also free of charge. Others are churches and schools in the territory, unless given as benefit shows under the sponsorship of the local exhibitor.

Diamond Sees War Jumping Demand for Musical Shorts

(Continued from Page 1)

of the European crisis. He said that the audiences showed a tenseness throughout the war scenes and an atmosphere of relaxation when the the newsreels were followed by a musical or cartoon short.

This situation, Diamond said yesterday, reflects a situation which is likely to exist for the duration of the war. Whether Paramount will increase its program of musicals will not be determined until the matter has been given further study.

From other sources it was learned that two-reel comedies, which have been on the decline in recent years, may make a strong comeback.

Bakery Buys Theater

Superior, Wis.—What happens to darkened theaters is told in the announcement of the sale of the Capitol Theater here by Roy McMinn to a bakery. In recent months, McMinn has confined his operations to his new Beacon Theater here.

National Council of Catholic Women Kills Pro-Neely Bill Resolution in Committee

San Francisco—A resolution in support of the Neely Bill placed before the National Council of Catholic Women's convention here, was killed in committee. Mrs. A. S. Musante of San Francisco, proponent of the measure, had hoped to secure favorable action, but a group of Southern California delegates opposed it, and it was not reported.

"Forget World's Fate, Get Down to Business"—Silver

Albany—Stop worrying about the fate of the world and get down to business, in substance, was the prescription handed out by Moe A. Silver, Warner zone manager, in addressing a quarterly WB circuit managers' meeting here.

Silver called for concentrated selling of every pix, strict economy in operation and suggested the lengthening of pictures' runs where possible as a precautionary move against any product dearth.

Other speakers were Harry Goldberg, publicity and advertising manager for Warner theaters, and Ralph Crebill and Charlie Smakwitz, district managers.

Goldberg said "The marked tendency, more noticeable than ever, is for the production of pix in Hollywood to depend for box-office success on the theater manager and his salesmanship of the product." Goldberg discussed the merchandising and selling angles of leading Warner Bros. pix in the new market.

Attending were: Andrew M. Roy, Strand, Edward Selette, Albany, Robert Rosenthal, Ritz, Albert LaFlamme, Madison, Albany; Sidney Schmeer, Lincoln, Leo Rosen, Troy and Jack Swartout, American, Troy; Murray Lafayette, Avon, John Breslin, Utica and William Haynes, Stanley, Utica; Al Newhall, Palace, Jamestown, L. N. Westfall, Keeney, Elmira, Larry Fahrenholz, Strand Elmira, Mel Conheim, Regent, Elmira, Al Beckerwith, Havens, Olean, William Leggiero, Steuben, Hornell, C. L. Hollister Babcock, Wellsville, Dalton Vergitt, Capitol, Dunkirk, James Macros, Diana, Medina, P. H. Booth, New Family and Lafayette, Batavia and Cliff Schaufele, Majestic, Hornell.

District managers in attendance were Charlie Smakwitz, Albany and Ralph Crebill, Jamestown. Albany state office officials in attendance were Jim Faughnan, contact manager, Joseph Weinstein, short subjects, Max Freedman, booker and Julius Curley, advertising manager.

Wyandotte House Reopens

Detroit—Associated Theaters has reopened the Majestic Theater at Wyandotte, following complete remodeling. House was re-seated by American Seating Co. National Theater Supply Co. installed Super Simplex projectors, Crestwood carpeting, and Walker sound screen. McArthur Theater Supply Co. installed Brenkert lamps.

Europe's War Without Effect, Says Eastman Kodak Co.

(Continued from Page 1)

the outbreak of war in 1914—many of Eastman's vital materials were then imported from Germany, England and Belgium—the company pointed out how much more self-sufficient its production now is.

The company's plants now produce all the paper needed for sensitizing, all gelatin, sensitizing dyes and photographic developing agents. Film has largely superseded glass for X-ray, commercial and portrait photography, but all glass needed can be bought from domestic companies. Increasing supplies of glass for lenses are being made in the United States. Some foreign optical glass is still needed, but the company assured employees that there are good stocks on hand.

Picture Pioneers Fall Conference on Oct. 20

(Continued from Page 1)

it would take the form of a Beefsteak Dinner and would be highlighted by the initiation of the members whose applications were accepted since the first Conference last June. Place will be set shortly.

The application of 15 men, all of whom have spent 25 years or more in the motion picture industry, were accepted. The new members are Sidney R. Kent, Herman Wobber, Cresson E. Smith, Frank Newman, Maurice Seidlitz, Lawrence Beatus, William A. Downs, Francis Doublier, W. H. Rippard, Arthur G. Whyte, Max Cohen, J. J. Fitzgibbons, Leo M. Devaney, Arthur Gottlieb and Herman Stern.

McConville Latin-American Trip Off; Returning Monday

(Continued from Page 1)

Havana where he closes a sales convention today.

Charles Roberts, Home Office Supervisor for Latin America who also attended the Havana Convention leaves Cuba this week to tour Puerto Rico, British West Indies, Mexico, Panama, Venezuela, Peru, Chile, Brazil and Argentina. He will also be present at the second Latin-American convention to be held in Buenos Aires, Oct. 30-Nov. 1.

Jack Segal and Arnold Picker, Home Office Foreign Department executives, who flew down to Havana last Tuesday to attend the convention, also return to New York on Monday.

ERIE ANTI-TRUST SUIT NAMES MAJORS, INDIES

(Continued from Page 1)

first-run pictures and also with refusing to sell them any pictures until the product had played in the other theaters of the city. The suit contends that the distributors dictated a minimum admission price and at the same time the plaintiff were obliged to pay "excessive rentals."

It is charged that competing houses overbought product and held back the playing of the pictures to prevent the State from getting them. It is also charged that one of the Warner Bros. theaters was operating at a loss so that the State could not get pictures.

Forcing of short subjects also is charged in the action against the distributors.

Newsreels Rush Special Clips on F.D.R.'s Talk

(Continued from Page 1)

in order to make room for the F.D.R. footage. The President's appearance before the joint legislative bodies to urge repeal of most of the embargo act as a necessary means to help the U. S. out of the European war was intensively covered by all reels and unprecedented coverage was also given to it by radio networks.

Dramatists Guild-Majors Pact Within Five Weeks?

(Continued from Page 1)

reached within four or five weeks as progress had been made."

Principal stumbling blocks to date have been percentages to be paid authors and method of paying royalties and purchase rights. Further meeting is expected to be called soon.

Meanwhile, it was learned yesterday that Warners control the recently organized Theater Productions, Inc., a New York corporation chartered for stage production.

Flatroc Bows In Today

Detroit—Flatroc Theater at Flat Rock, opening today, has new equipment entirely installed by National Theater Supply Co., including: Irwin seats, National drapes and marquee, Simplex projectors and sound, Peerless lamps, Walker screen, and Crestwood carpeting.

No Wonder

Providence — Add reasons for poor Summer theater business in Southern New England: Narragansett Race Track closed a 30-day Summer meet Sept. 16, during which a total of \$11,509,549 passed through pari-mutuel windows, for an average daily handle of \$383,652. On last day of meet \$567,235 was chalked up on mutuel machines.

IATSE Hurls Ultimatum--

Los Angeles—Unless by tomorrow morning producers grant a 20 per cent increase in wages to IATSE studio workers, retroactive to Aug. 10, the IATSE will call a nationwide strike of projectionists and its studio members. This was the ultimatum issued to producers Friday following a meeting called for negotiations on wages, hours and working conditions.

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THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

L. 76, NO. 59

NEW YORK, MONDAY, SEPTEMBER 25, 1939

TEN CENTS

UA Files Counter Interrogatory Blast in Equity Suit "EXTEND PLAYING TIME", SCHENCK URGES EXHIBS.

Carl Laemmle, Industry Pioneer, Dies in Hollywood

THE WEEK IN REVIEW

IA Wins Studio Election

By L. H. MITCHELL

DOMESTIC

UNIONS: Outstanding development of the week concerning producers was winning of the studio elections by IATSE, hotly fought by the USTG, and the naming of committee by Joseph M. Schenck, AMPP prexy, to negotiate on wages, hours and working conditions . . . For actors—consideration of a "one big union" plan with "one dues" system by the 11 component unions of the AAAA.

LITIGATION: Majors sought to limit Government's interrogatories in the N. Y. equity suit . . . Report that first gun in campaign for national theater divorce legislation would be fired at Allied TO of Okla. meeting, Sept. 27 . . . Trial of Ascap's suit against constitutionality of Nebraska's law aimed against it was completed, with decision expected in six weeks . . . New anti-trust suit—against majors, indies and exhibs. this time—was filed by United Exhibitors, Inc., and Penn State Theater Corp., of Erie, Pa., asking \$425,000 damages.

CODE PRACTICE: Distribs. served notice on exhibs., that Code provisions being voluntarily inserted in contracts apply only to contract violations and not to clearance and overbuying . . . M-G-M announced its sales policies would embody a number of the Code's proposed reforms, including cancellation, non-forcing of shorts and newsreels . . . Universal reported it was drafting an arbitration clause for its licensing agreements . . . ITOA sounded out circuits on their attitude towards clearance arbitration.

FINANCIAL: Grosses of Broad-
(Continued on Page 11)

Former President of Universal Succumbs to Third Heart Attack

West Coast Bureau of THE FILM DAILY
Hollywood — Carl Laemmle, Sr., 72, film industry pioneer and until 1936 president of Universal, died of a heart attack here yesterday.

Funeral services will be held tomorrow noon at the Wilshire Boulevard Temple, with Rabbi Magnin officiating.

Stricken suddenly yesterday,
(Continued on Page 5)

SCHINES ADD HOUSES IN FACE OF WRIT PLEA

Columbus, O.—Schine circuit is expanding in the face of the Department of Justice's writ move in Federal Court at Buffalo to block the chain's growth pending trial of
(Continued on Page 4)

Special Session Cancels Boren's Okla. Allied Talk

Washington Bureau of THE FILM DAILY
Washington—Members of Oklahoma's Congressional delegation, in Washington for the special session, have all cancelled their appearances
(Continued on Page 4)

UA Counters Government with Move for 38 N.Y. Equity Suit Interrogatories

USTG Demands Election Be Voided by the NLRB

West Coast Bureau of THE FILM DAILY
Hollywood — Demand that the NLRB void the studio workers bargaining agency election, won by the IATSE, on the ground that the IA was guilty of coercion and intimidation
(Continued on Page 5)

Murphy Talk Off

Washington Bur., THE FILM DAILY
Washington—By order of F.D.R., Attorney General Frank Murphy at the week-end cancelled his scheduled appearance tonight at the Coast dinner of the Motion Picture Democratic Committee. It was explained the President's moratorium on political speeches during the war crisis extended to his Cabinet.

GB SUBSIDIARY LOSES SUITS VS RCA, ERPI

Wilmington, Del.—Invalidation of two patents important in motion picture projection was ordered by Judge John P. Nields in the Federal Court here late Friday in his decision on two suits in equity brought by British Acoustic Films, Ltd., wholly owned GB subsidiary, one against
(Continued on Page 11)

Boris Morros and RKO Reach Oral Agreement

Boris Morros and RKO have reached an oral agreement on a production deal whereby the producer will make one or more pictures for RKO release. Morros, who left Saturday for the Coast, said that a
(Continued on Page 4)

Necessary to Maintain Pix Quality Standards, Says AMPP Prexy

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood—Success of efforts to maintain a high level of production in face of lost European revenues depends entirely upon the support given by exhibitors, according to Joseph M. Schenck, 20th-Fox board chairman and AMPP prexy, in a statement prepared just prior to his departure for Mexico and South America.

Schenck said that American exhibitors can provide adequate revenues by making it possible for worthwhile pictures to have extended playing time.

"It is no longer a question of
(Continued on Page 10)

RKO BOARD APPROVES WAR EMERGENCY PLAN

In order to maintain its production program with quality and entertainment value unimpaired, RKO has inaugurated an emergency plan to meet the situation created by the war in Europe. The plan includes
(Continued on Page 10)

Burger Replaces Lawrence As M-G-M European Manager

Sam Burger, home office representative for M-G-M, has been named manager for Continental Europe, replacing Laudy Lawrence who has
(Continued on Page 4)

SWG Executive Board Meets Today on Goldwyn Proposal

West Coast Bureau of THE FILM DAILY
Hollywood — Executive Board of the Screen Writers Guild will meet today to consider Samuel Goldwyn's suggestion that a representative
(Continued on Page 10)

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FINANCIAL

(QUOTATIONS AS OF FRIDAY)
NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 3/4	11	11	— 1/2
Col. Picts. vtc. (2 1/2%)	7 1/4	7	7	— 1/8
Columbia Picts. pfd.	17 7/8	17 7/8	17 7/8	— 1 5/8
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	.....
Con. Fm. Ind. pfd.	8 3/4	8 3/4	8 3/4	— 3/8
East. Kodak	158 1/2	157 1/4	157 1/4	— 1 3/4
do pfd.	160 1/2	160	160	— 2
Gen. Th. Eq.	9 5/8	9 3/8	9 3/8	.....
Loew's, Inc.	33	32 3/4	32 3/4	— 3/4
do pfd.	103	102	103	.....
Paramount	7 1/8	7	7	— 1/8
Paramount 1st pfd. ....	.....	.....	.....	.....
Paramount 2nd pfd.	8 1/8	8	8	— 1/8
Pathe Film	10 1/2	10	10	— 1/4
RKO	1 1/8	1 1/2	1 1/2	.....
20th Century-Fox	13 1/8	13	13 1/8	.....
20th Century-Fox pfd.	22 1/2	22 1/8	22 1/8	— 5/8
Univ. Pict. pfd. ....	.....	.....	.....	.....
Warner Bros.	4 1/8	4	4	.....
do pfd. ....	.....	.....	.....	.....

NEW YORK BOND MARKET

Keith B. F. ref. 6546	101	101	101	+ 3/4
Loew's deb. 3 1/2% 46	93 1/2	93 1/2	93 1/2	— 1 1/2
Para. B'way 3 5/8% 49	49	49	49	.....
Para. Picts. 6555	.....	.....	.....	.....
Para. Picts. cv. 3 1/4% 47	80	80	80	+ 1/2
RKO 6541	.....	.....	.....	.....
Warner Bros. cv. 6539	.....	.....	.....	.....
Warner Bros. db. 6548	.....	.....	.....	.....

NEW YORK CURB MARKET

Monogram Picts. ....	.....	.....	.....	.....
Sonofone Corp. ....	.....	.....	.....	.....
Technicolor	12	11 3/4	12	— 1/8
Trans-Lux	1 1/2	1 1/2	1 1/2	.....
Universal Corp. vtc. ....	.....	.....	.....	.....
Universal Picts. ....	.....	.....	.....	.....

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	.....
Fox Thea. Office Bldg. 1st '46	.....	3 3/4
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	63	66
Roxy Thea. Bldg. 4s 1st '57	56	59

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SECURITY

The Broadway Parade

Picture and Distributor	Theater
Goodbye, Mr. Chips (Metro-Goldwyn-Mayer)—20th week	Astor
The Rains Came (20th Century-Fox)—3rd week	Roxy
The Real Glory (United Artists-Goldwyn)—2nd week	Rivoli
The Women (Metro-Goldwyn-Mayer)	Capitol
Honeymoon in Bali (Paramount Pictures)	Paramount
Nurse Edith Cavell (RKO Radio Pictures-Wilcox)	Music Hall
Espionage Agent (Warner Bros. Pictures)	Strand
The Man They Could Not Hang (Columbia Pictures)	Criterion
Two Bright Boys (Universal Pictures)	Rialto
Torpedoed (Film Alliance)	Globe
Stunt Pilot (Monogram Pictures) (a)	Central
Riders of the Black River (Columbia Pictures) (a)	Central
Hotel for Women (20th Century-Fox) (a-b)	Palace
Jones Family in Quick Millions (20th Century-Fox) (a)	Palace

FOREIGN LANGUAGE FEATURES

The End of a Day (Juno Films)—3rd week	Filmarte
Mademoiselle ma Mere (J. H. Hoffberg)—2nd week	55th St. Playhouse
Harvest (French Film Corp.)—2nd week	World
Betrayal (World Pictures)—2nd week	Little Carnegie
A Brivole der Mamen (Sphinx Films)—2nd week	Belmont
Inside Soviet Russia (Amkino)	Cameo
Scipio Africanus (Esperia Film Distributing Co.)	Cinecitta

FUTURE OPENINGS

This Woman is the Judge (Columbia Pictures)—Sept. 27	Criterion
Dust Be My Destiny (Warner Bros. Pictures)—Oct. 6	Strand
What a Life (Paramount Pictures)—Oct. 6	Paramount
Intermezzo (United Artists-Selznick) (c)	Music Hall
Thunder Afloat (Metro-Goldwyn-Mayer) (c)	Capitol
Jamaica Inn (Paramount Pictures-Pommer-Laughton) (c)	Rivoli
Full Confession (RKO Radio Pictures) (c)	Rialto
The Old Maid (Warner Bros. Pictures)—Sept. 28 (a-b)	Palace
Hawaiian Nights (Universal Pictures)—Sept. 28 (a)	Palace
Conflict (Trans-Atlantic Films)—Oct. 6	Little Carnegie
I Met a Murderer (York Pictures)—Oct. 2	55th St. Playhouse
Ultimatum (J. H. Hoffberg) (c)	World

(a) Dual bill. (b) Subsequent run. (c) Follows current bill.

Ampa to Resume Thursday, Honoring Past Presidents

The Ampa resumes activities at a luncheon-meeting Thursday designated as "Past Presidents' Day." All ex-presidents of the 25-year-old advertising and publicity organization have been invited to attend.

Among those who have already signified their intention of being present are: Arthur James, P. A. Parsons, Paul Lazarus, Sr., John C. Flinn, Glendon Allvine, George Harvey, Edward Kline, Hal Horne, William Ferguson, Gordon White and Ralph Rolan. In addition, it is anticipated that several other former presidents will make the trip from out of town.

Ampa's Board of Governors announces that the meeting-place for the organization has been changed. Beginning with Thursday's luncheon, the group will meet in the private dining-room on the fourth floor of Stouffer's Restaurant, Fifth Ave. and 44th St. Increased facilities and new low prices are the reasons given for the change.

Change Sheridan Itinerary

A change in Ann Sheridan's p.a. itinerary will have the Warner star open her tour at the Earle theater, Washington, on Friday, instead of at the Strand, New York. Miss Sheridan will play the Broadway de luxer on Oct. 6 and 13.

Rep. Pix for F & M

St. Louis—Deals were concluded here on Friday which put Republic's 1939-40 lineup into F & M first-run stands,—the Fox, Ambassador, Missouri, and St. Louis theaters, and the St. Louis Amusement Co.'s 26 subsequent spots locally.

Griffith and Wometco Set New Deals with Columbia

Columbia's 1939-40 product will play several hundred theaters operated by Griffith Amusement Co. in Oklahoma, Texas, Arizona, Kansas, Nebraska and Arkansas, as result of a deal concluded on the week-end and growing out of huddles between Rube Jackter, Columbia's assistant sales manager, and R. E. Griffith, representing the circuit.

Coincidentally, it was announced by Columbia that its franchise deal with Wometco Circuit of the Wolfson Meyer Theatrical Enterprises has been extended, assuring Columbia product of playing time in Miami Beach, West Palm Beach and Nassau.

Sidney Meyers represented Wometco in the negotiations.

Extended Run for "Women" at the New York Capitol

"The Women" will stay at the Capitol, Broadway, for an extended run, it was decided following an opening which was reported to have been the best in the last two-and-a-half years, with the exception of "The Wizard of Oz." Opening was said to have been topped by only four other pictures.

Local 644 Confabs Off

Negotiations between Local 644, cameramen's union, and the producers here were indefinitely postponed Friday when Pat Casey, producers' labor representative, was suddenly called to the Coast to sit in at the IATSE studio confabs. Whether or not the negotiations will be resumed on the Coast or will be adjourned until Casey can return here could not be determined.

COMING AND GOING

WILL H. HAYS is due in New York today by train from the Coast.

WILLIAM F. RODGERS, general manager of distribution for M-G-M, left for Chicago Saturday.

MONTY BANKS, director, sailed for England Friday.

EDWARD EVERETT HORTON arrived in Hollywood Saturday from New York.

EDDIE GOLDEN goes to Clarksburg, West Va., today to address the ITOA of West Virginia convention there tomorrow.

GEORGE KRASNA of Boston's Fine Arts Theater arrives here today.

BORIS MORROS left Saturday for the Coast.

EDMUND GOULDING left the Coast at the week-end for New York.

BETTY FIELD left Hollywood Saturday for New York where she will appear in a stage play.

ROBERT GILLHAM, Paramount ad-pub. chief-tain, trained out of Hollywood for New York at the week-end.

CARROLL YOUNG, story editor for Principal Pictures, is back at the Coast following a trip East.

A. C. BLUMENTHAL left the Coast at the week-end for Dallas en route to Mexico City.

VIRGINIA VAN UPP is in Washington gathering material for her next Paramount script.

PAT CASEY expects to leave New York today for the Coast.

J. A. McCONVILLE is due back today from Havana where he conducted a Columbia sales conference.

WALTER J. HUTCHINSON, director of foreign distribution for 20th-Fox, is due to return to the home office this morning after a short flying trip to Cuba.

JULES BERNSTEIN, Loew's manager in Toronto, is a home office visitor.

MRS. JOHN BALABAN and daughter, IDA MAY, are in New York for the World's Fair. JOHN BALABAN will fly in to join them.

MARIE DEUTSCH, daughter of Lewis Deutsch of the Minnesota Amusement Co., was a visitor to Paramount's World's Fair lounge.

HERB OCHS, Warner branch manager in Cleveland, was in town Friday for conferences with home office executives.

Sues S. A. Lynch for \$250,000

Suit for legal fees in the alleged sum of \$250,000 was filed on Friday in New York Supreme Court against Stephen A. Lynch, by David Stoneman, Massachusetts attorney. Plaintiff claims that the fee is due for professional services rendered between Feb. 1, 1933, and July 2, 1936, in reference to Lynch's interests in the Paramount-Publix reorganization proceedings.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 25

Fay Wray
Albert Kaufman
Al Cooke

Robert Wyler
Paul Gulick
Arthur James

**WORLD
PREMIERE!
BIGGEST
IN
5 YEARS!**



EYES ON HOUSTON!

**EXTRA! 2nd BIG WEEK
AND STILL S. R. O.!**



MICKEY ROONEY & JUDY GARLAND
in "BABES IN ARMS" with Charles
Wininger • Guy Kibbee • June
Preisser • Grace Hayes • Betty
Jaynes • Douglas McPhail • Rand
Brooks • Leni Lynn • John Sheffield
Screen Play by Jack McGowan and
Kay Van Riper • Based on the Play
by Richard Rodgers and Lorenz
Hart • Directed by Busby Berkeley
Produced by Arthur Freed.

Watch the First Engagement of M-G-M's "BABES IN ARMS"

Here's what Houston means for you!
Take a tip from Houston's hysteria!
Start your planning now!
Clear the decks for your run!
No attraction like it in years!
Ask M-G-M for Extra Time immediately!
"Babes in Arms"! Oh baby!

SCHINES ADD HOUSES IN FACE OF WRIT PLEA

(Continued from Page 1)

an anti-trust suit seeking its dissolution.

The Schines have acquired the Majestic theater in Nelsonville, and will take over on Oct. 1. Spence Steenrod, former owner, will continue for two years as manager for the circuit, which headquarters in Gloversville, N. Y.

Cincinnati, O.—Harry Schwartz, veteran Kentucky exhibitor, has sold his Opera House in Lexington and the Paris theater, which is under construction, to the Schine circuit. The Opera House will be operated by the chain, but the Paris site will be altered for storerooms. Schwartz will retain his Frankfort theater.

Boris Morros and RKO Reach Oral Agreement

(Continued from Page 1)

"gentleman's agreement" had been concluded but that no contract had been signed.

Morros plans to return to New York in three or four weeks, stopping off at exchange centers en route.

Special Session Cancels Boren's Okla. Allied Talk

(Continued from Page 1)

at the Oklahoma Allied convention opening tomorrow in Oklahoma City. Rep. Lyle H. Boren was to have outlined his proposed Federal divorce bill at the convention. Others who were forced to forego their appointment because of the special session include Wesley E. Disney, Will Rogers, and Jed Johnson, all Democrats.

Abram F. Myers, Allied General Counsel, will probably leave today for the Oklahoma City meeting.

"Nurse Cavell" Playing 14 Key Cities This Week

Following a big start at Radio City Music Hall, "Nurse Edith Cavell" is playing key city runs this week in Boston, Lowell, Providence, Chicago, Columbus, Kansas City, Los Angeles, New Orleans Omaha, San Francisco, Washington, Cincinnati, Toronto and Buffalo.

Anna Neagle and Herbert Wilcox attended the Music Hall opening Thursday and then left for Boston where they were on hand for the picture's premiere at Keith's Memorial Theater.

WEDDING BELLS

Ruth Landersman of M-G-M's publicity department is to be married Wednesday to Martin Deitz.

ALONG THE



WITH PHIL M. DALY

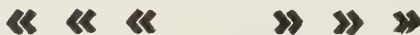
● ● ● UNIVERSAL is doing something to keep America out of the war.....and that something is.....re-issuing "All Quiet on the Western Front".....in the "uncensored version".....What this latter phrase means.....is that Universal has injected into the present footage.....certain sequences which the company refrained from using.....when the pix originally roared across the American scene and screen.....almost a decade ago.....grabbing top spot in THE FILM DAILY's Ten Best Pictures Poll of 1930.....the Academy Award for the best production that year.....pre-eminence among National Board of Review selections.....and a bevy of other honors from domestic and foreign field.....The censorship originally applied to "All Quiet on the Western Front".....was of course self-imposed by the company....

● ● ● IN addition to these added scenes....."All Quiet" carries a powerful prologue of historical shots....depicting events which led up to the 1914 blow-up.....and happenings which caused the current war.....Narration, pulling no punches in its arraignment of Nazi ideology.....and delivered with telling effect by John Deering.....accompanies the prologue.....and is also used betimes later on and as an epilogue.....to add present-day emphasis to the main dialogue.....It was Deering, incidentally, who also narrated Warners' "Confessions of a Nazi Spy".....

● ● ● HOW the Nate Blumberg bailiwick happened to re-issue "All Quiet".....is because exhibs. wanted it....Some 200 requests for the pix having come to the home office.....Universal had considered the move a natural.....right from the outbreak of hostilities abroad.....But as behooves sound business practice.....a test run was launched a bit ago.....at F & M's St. Louis Theater.....where the storm of patronage.....brewed up by the campaign of the house's publicist, Les Kautman.....boosted the b.o. barometer to four times the normal gross.....On Friday, last, the opus opened in Detroit and Toledo.....and is set to ditto soon in Frisco, Jersey City, Akron, Paterson, Bridgeport.....just to name a few.....and, 'tis learned.....will doubtless nestle in the local Rialto.....When it does re-bloom on Broadway.....it will be one of the decidedly few re-issues ever to first-run a second time here.....Originally, it roadshowed at the Central for six months.....commencing toward the end of August, 1930.....

● ● ● EXHIBS. great and small.....are enabled by a circuit of circumstances.....to cash in heavily on "All Quiet".....Rarely is a film's title so much on tongue and in newsprint.....Dailies the nation over are using the phrase in text and caption.....and, to boot, the Hearst newspapers are currently running serially the film's original story property by Erich Maria Remarque.....Further, Universal's Lou Pollock.....in charge of promotional activities in the East.....has turned out a 16-page press book.....which is a gross-grabber.....and features the powerful and timely catch-line....."You Can't Blackout Truth!".....

● ● ● AS this department sees it.....the re-issued "All Quiet".....is far more timely and gripping than in 1930.....Then it dealt retrospectively with a war that was.....Now with a war that IS.....If belligerents' soldiery could see the current version.....the film would go far toward emptying the forts and trenches.....as effectively as it appears destined to fill pix auditoriums.....



SMPE TO HOLD NIGHT SESSION AT THE FAIR

First evening session of the SMPE's Fall convention, which opens here Oct. 16, will be held at the New York World's Fair so that members may witness special photographic and sound recording demonstrations at two of the principal exhibit buildings there, it was announced a few weeks-end by W. C. Kunzmann, SMPE convention Vice-President, and D. E. Hyndman, chairman of the Atlantic Coast section, who is in charge of local arrangements.

The evening session will convene at the Chrysler Exhibit for a demonstration of stereoscopic pictures by Jack Norling, of Laucks & Norling. This will be followed at 10 p.m. by a special demonstration of "Two-channel Recording and Reproduction with Steel Tape" in the A T & T Exhibit, with visiting delegates participating. Efforts are being made to arrange a special television showing for the delegates between the two demonstration periods.

The afternoon and evening of the convention's second day have been left open to permit delegates to visit the Fair again, or to enjoy sight-seeing.

An interesting program of papers on a wide assortment of subjects, including sound recording and reproduction, scientifically produced studio reverberation, television projection problems, and many others is being arranged for the four-day convention, which will be held at the Hotel Pennsylvania.

The terms of Engineering Vice-President L. A. Jones; Financial Vice-President A. S. Dickinson; Secretary J. Frank, Jr., and Treasurer L. W. Davee, expire at the end of the year. Nominees for the positions include Dickinson and Frank, to continue the same duties, and D. E. Hyndman, of the Eastman Kodak Co., for Engineering Vice-President, and R. O. Strock, of Eastern Service Studios, Inc., for Treasurer.

Climax of the convention will be the semi-annual banquet and dance, to be held in the Grand Ballroom of the Pennsylvania Hotel, Oct. 18. At that time the Society's Progress Medal and Journal Awards will be presented, and the officers-elect will be introduced.

Burger Replaces Lawrence As M-G-M European Manager

(Continued from Page 1)

joined the French army. Burger leaves for Paris by clipper on Oct. 8.

Burger recently returned from an extensive business trip to South America, South Africa and Europe.

STORKS!

Richmond, Va.—Mary Jane Taylor, cashier of the State Theater, gave birth to a baby girl at the Johnson Willis Hospital.

UA COUNTERBLAST TO INTERROGATORY

(Continued from Page 1)

ent facts of specific Government charges.

Each of the 38 questions provided that if the Government intended to prove a charge as an "ultimate conclusion to be drawn from other facts" then the names of persons having knowledge of the relevant facts from which the conclusions would be drawn were demanded to be set forth.

Interrogatories were confined to the exhibition and distribution fields solely and did not refer to production activities.

The first few questions requested the names of witnesses with knowledge of monopoly activity as to quality feature pictures and the alleged exclusion of these pictures from first-run indie exhibitors and metropolitan theaters. Government was requested also to name witnesses who had knowledge of the contention that indies could only obtain first-run films at the sufferance of producer-exhibitor defendants and subject to terms dictated by them.

Second group of questions were concerned with charges that the defendants had divided territory into given areas and had excluded competition in those areas under a definite scheme and system of franchises, contracts and agreements. Each question required the listing of witnesses who had knowledge of this common plan.

The interrogatories also concentrated on charges of favoritism to affiliates and asked for names of witnesses to such Government assertions as that UA makes its product available first to affiliates; that indies are systematically relegated to secondary positions as to first-run pictures, regardless of price offered or the reputation of the theater; and, finally, the right to procure quality pictures.

Concluding interrogatories covered thoroughly the Government charges that UA had imposed harsh, onerous and unfair trade practices on indie exhibitors. UA asked that the Government list its witnesses to the following alleged practices: compulsory block-booking; favoritism to affiliates in giving them exhibition contracts on a selective basis and allowing over-buying; forcing of shorts and newsreels; arbitrary designations of playdates; unreasonable clearance and zoning schedules; unconscionable film rentals; prohibition of double features; score charges; minimum admission prices; and, finally, harsh and unreasonable terms to subsequent-run exhibitors.

In reference to harsh practices, UA demanded that the Government name its witnesses to alleged favors and advantages extended to affiliates such as alterations in contracts, privilege of over-age and under-age cancellation of shorts, moveovers, and the allowing to exhibitors of the exhibition of pictures by affiliates without a binding agreement.

REVIEWS OF NEW FILMS

"Espionage Agent"

with Joel McCrea, Brenda Marshall, Jeffrey Lynn, George Bancroft

Warners

83 Mins.

SUSPENSEFUL SPY MELLER SOUNDS KEYNOTE FOR AMERICAN PREPAREDNESS.

Packed with action and suspense, and ably projected to the screen by a fine cast, this new Warner film should definitely appeal to audiences in general. It is particularly timely now. Although fictional, this picture emphatically points out a lesson learned during the last war, that this country was not prepared for what happened at that time. The cast, headed by Joel McCrea and Brenda Marshall, is fine. George Bancroft, Jeffrey Lynn, Stanley Ridges, James Stephenson, Robert O. Davis and a number of other equally capable performers support the principals. Lloyd Bacon has directed the film deftly, building up the suspense with perfect timing. McCrea, an attaché in a North African city, meets Brenda when she staggers into the Consulate and faints after crossing the line between two warring countries. McCrea sails for home and Brenda sails on the same boat. Shortly after he returns to his family's home in Washington they get married, and he is assigned to a new post. However, Brenda's past catches up with her and she confesses to her husband that she had formerly done some espionage work for a European nation when she was broke and desperate. McCrea is cashiered by the State Department, but he is determined to uncover the danger of spies in this country. He and Brenda go to Europe and travel to Switzerland where the head of the spy ring operates. Brenda regains their confidence and starts to work for the spy ring again. However, the critical European situation makes the departure of the spy ring imminent and McCrea must get his information before they get out of the country. Action aplenty brings about a dramatic climax which results in McCrea's securing enough evidence to impress the government with the necessity of providing an adequate number of counter-espionage agents to protect the United States. The picture is provided with a prologue in montage form which recalls the sabotage done in this country in the last war as an object lesson of what will happen again unless the spies are stamped out.

CAST: Joel McCrea, Brenda Marshall, George Bancroft, Jeffrey Lynn, Stanley Ridges, James Stephenson, Howard Hickman, Martin Kosleck, Nana Bryant, Robert O. Davis, Hans von Twardowsky, Lucien Prival, Addison Richards, Edwin Stanley, Egon Brecher.

CREDITS: Associate Producer, Louis F. Edelman; Director, Lloyd Bacon; Screenplay, Warren Duff, Michael Fessier and Frank Donoghue; Original Story, R. H. Buckner; Cameraman, Charles Rosher; Editor, Ralph Dawson.

DIRECTION, Good. PHOTOGRAPHY, Good.

Rep. Sells Great States

Chicago—Republic Pictures has closed a product deal with Great States circuit. President James R. Grainger was here over the week-end.

"Torchy Plays With Dynamite"

with Jane Wyman, Allen Jenkins, Tom Kennedy

Warners

59 Mins.

FAST-MOVING STORY MAKES THIS BEST OF WELL-KNOWN CRIME SERIES.

The fans who have been waiting for another Torchy release will be pleased with this one. The story is good, it moves rapidly, and Jane Wyman and Allen Jenkins, who have taken over the familiar roles played for some time by Glenda Farrell and Barton McLane, are adequate replacements. Tom Kennedy provides his humorous self once again as an adjunct to the film and a number of other capable players bolster the cast. Jane is pinched for speeding. Before she is gotten out of jail by Lieutenant Jenkins she meets another girl who is a friend of a bandit the police are looking for. Jane engineers an escape from jail in order to get a line on the bandit. She and her new-found girl friend who believes that Jane is really trying to help her, head for the city where the escaped bandit is hiding after their jail break. Jenkins and Kennedy fly there in order to be on the scene. Action comes fast and furiously after the crook realizes that he is being trapped, but Jenkins and Kennedy save the day and Jane gets her story. Exhibitors have plenty of exploitation possibilities with this film. New faces, new scenes and new action can be sold to the fans.

CAST: Jane Wyman, Allen Jenkins, Tom Kennedy, Sheila Bromley, Joe Cunningham, Eddie Marr, Edgar Deering, Frank Shannon, Bruce McFarlane, George Lloyd, Aldrich Bowker, John Ridgely, Larry Williams, John Harmon, Cliff Clark, Nat Carr.

CREDITS: Warner Production; Director, Noel Smith; Screenplay, Earle Snell and Charles Belden; Original Story, Scott Littleton; Cameraman, Arthur L. Todd; Editor, Harold McLernon.

DIRECTION, Fast. PHOTOGRAPHY, Good.

USTG Demands Election Be Voided by the NLRB

(Continued from Page 1)

tion has been filed with the board by the United Studio Technicians Guild, CIO-backed.

Attorney Charles Katz, representing the USTG, was instructed by the board to present evidence and support of his charges that workers that who preferred Guild representation in bargaining with producers, were threatened with blacklisting unless they voted in favor of the IA.

That the protest might be essentially routine, however, was indicated by the fact that the USTG gave up its Cosmos St. headquarters Saturday.

Floyd Gibbons Dead at 52

Stroudsburg, Pa.—Floyd Gibbons, 52, starred by Warners in several series of Headline Hunter shorts, war correspondent and radio commentator, died at his Saylorsburg farm home yesterday from a heart attack.

CARL LAEMMLE DIES FROM HEART ATTACK

(Continued from Page 1)

Laemmle suffered three heart attacks in succession, the last proving fatal. At his bedside when death came were two physicians and his daughter, Mrs. Stanley Bergerman.

Other survivors include his son, Carl, Jr., former head of Universal studios; two brothers, Sigfried and Louis, and two grandchildren. His wife predeceased in 1918.

Although he had retired from the production side of the business, Laemmle recently was active in the importation of foreign pictures. He also contributed financially and actively in efforts to get refugees out of Germany.

Laemmle started his career in the film industry in 1906 after a moderately successful period in the clothing business. He had come over from Germany when he was 17 years old and had held various types of jobs in New York, Chicago and Oshkosh, Wis., when he saw his first moving picture and immediately realized its possibilities. His first theater in Chicago was expanded to include a dozen others and in 1909 he launched himself as a producer, making "Hiawatha" in a small studio in New York City.

His fight against the General Film Co. and the Motion Picture Patents Co. won him the loyalty of exhibitors, like himself, who had been forced to accept General's terms. In 1912, Laemmle organized Universal Film Manufacturing Co., with the assistance of W. H. Swanson, P. A. Powers, Charles Baumann and others.

Laemmle continued to be active in his company until March, 1936, when he retired. In 1929 he had made Carl, Jr., head of production. According to reports, Laemmle sold his interest in the company for \$5,500,000 and then departed for his so-called "permanent vacation."

Last year he went to Europe for the purpose of acquiring some French pictures for distribution in the U. S. but his enterprise did not take on important proportions.

Longer Opening Period For London's West End

London (By Cable)—Partial lifting of the 6 p.m. curfew now governing exhibition in the West End may materialize this week, it was indicated at the week-end.

While the Home Office on Friday refused the trade's plea, voiced by a joint CEA-KRS deputation, for a general extension of the operating hours, the CEA was asked to submit a new proposal.

It was stated that the Home Office would be inclined to regard favorably a proposal for the operation of a certain number of West End houses until 10 p.m., the nationally observed closing hour.

The new proposal will be submitted by the theaters this week.

New York DAILY NEWS*

Everybody Can Enjoy "Honeymoon in Bali"



Madeleine Carroll and Fred MacMurray are cast for comic roles in Paramount's "Honeymoon in Bali."

By WANDA HALE

"Honeymoon in Bali," Paramount picture, screen play by Virginia Van Upp based on story by Grace Sartwell Mason and Katherine Brush, directed by Edward H. Griffith and presented at the Paramount Theatre.

THE CAST

Bill Burnett	Fred MacMurray
Gail Allen	Madeleine Carroll
Eric Sinclair	Allan Jones
Lorna Smith	Helen Broderick
Noel Van Ness	Osa Massen
Rosie	Carolyn Lee
Window-washer	Akim Tamiroff

Mr. Hays must have just finished a goose dinner and settled down with a brandy and a big cigar when he put the stamp of approval on "Honeymoon in Bali." It isn't that the censors were off guard; there is really nothing in it to make anybody blush, except, possibly, Gov. Luren Dickinson. And, most likely, he'll never see it.

The new Paramount picture is a smart, sophisticated comedy, co-starring two delightful people, Fred MacMurray and Madeleine Carroll, with lines that border on, shall we say, the suggestive.

Madeleine Carroll Stars

Miss Carroll throws off her reserve and enters into the spirit of the picture with an unexpected flexibility of face and voice as an efficient business woman whose well-set plans for independence and freedom are gradually broken down by Fred MacMurray. The dialogue, furnished by Virginia Van

Upp, keeps your interest.

MacMurray is a guy who lives the life of Riley in Bali. On a visit to New York, he meets and falls in love with Miss Carroll but is repulsed by her notion that career and marriage don't mix. Allan Jones is the other man. Yes, he sings, one aria, much to the delight of the audience. He is very much in love with the lady, but in accord with her modern ideas of marriage, if any.

Tries to Persuade Her

Helen Broderick is Miss Carroll's friend who tries, in a very matter-of-fact way, to make her friend see that love and children are necessary to make a woman happy. She is necessary to know as she represents a woman who has had neither. Akim Tamiroff is seen briefly as a window-washer who has had the chance to study Miss Carroll, unobserved. Nice work, if you can get it. He puts in his two cents' worth of advice to the woman whose routine is upset by the engaging visitor from Bali, which she figures is well worth taking.

Paramount's new find, Carolyn Lee, a cute little trick about 4 or 5, makes a bright addition to an already bright cast.

The credit for the able direction of "Honeymoon in Bali" goes to Edward Griffith.

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* Typical of the unanimous raves from the Broadway critics on this Paramount hit.

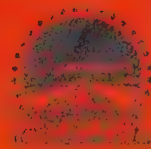
New York

BOX OFFICE NEWS

Paramount's

**"HONEYMOON
IN BALI"**

**... Gives New York
Paramount biggest
opening in a year...**



N. Y. CRITICS JOIN NATION-WIDE FOR THE STORY THAT SHOCKED TH

"Couldn't have been released at a more opportune time . . . A fine production, brilliantly directed . . . Anna Neagle puts feeling and reverence into the role."

—Wanda Hale, N. Y. Daily News

"Impressive . . . profoundly stirring . . . comes to the Music Hall with terrible timeliness."

—Bland Johaneson, N. Y. Daily Mirror

"A deeply affecting tale of individual heroism under the crushing influence of modern warfare."

—Frank S. Nugent, N. Y. Times

"A true picture, and a fine one . . . Its strength lies not alone in the story it tells, but in the manner of its telling."

—Eileen Creelman, N. Y. Sun

"An unusually distinguished production . . . fine and forceful . . . Miss Neagle's performance brilliant."

—Rose Pelswick, N. Y. Journal & American

ANNA NEAGLE in her first Hollywood
with **EDNA MAY OLIVER • GEORGE**
H. B. WARNER • SOPHIE STEWART • MA

E CLAIM
TH WORLD!

powerful and honest...telling
timely... every incident takes
added impact and significance
a time when ruthless invasion,
killing of women and children,
and high courage are once more
order of the day."

—Howard Barnes, N. Y. Herald-Tribune

... The film takes on all the
thrills and excitement, suspense and
terror of a spy melodrama...
leaves you limp with terror and
war... A beautiful directing job."

William Boehnel, N. Y. World-Telegram

Dignified portrait... Miss
Keogh is rather a beauty to behold
... brings warmth and inspiration."

—Irene Thirer, N. Y. Post



appearance as **"NURSE EDITH CAVELL"**

ANDERS • MAY ROBSON • ZASU PITTS

WARD • ROBERT COOTE • Produced and Directed by HERBERT WILCOX • Screen Play by Michael Hogan

SCHENCK ASKS EXHIBITS. EXTEND PLAYING TIME

(Continued from Page 1)

profits, but of preservation of the present quality standards of the entire motion picture industry, theaters as well as studios," he said. "The millions of dollars invested in theaters throughout America would be just so much brick and mortar if the structure of film production collapsed. The exhibitor, must, therefore, share responsibility of seeing that studios derive enough rentals to permit them to continue in operation. Those pictures playing for one week, whenever possible, should be held over for a second week, and a picture which definitely rates a two-week run should be extended for a third week.

"Likewise, in subsequent runs, three-day pictures be held over for five and six days. In order to justify this, exhibitors will find it necessary to display greater showmanship and introduce new ideas."

Schenck points out that producers are keeping operating costs as low as possible, but no economy measures by studios alone could offset the great loss of European revenue if a high standard of quality is to be maintained.

Yates Confident England to Continue Remittances

West Coast Bureau of THE FILM DAILY

Hollywood — That England will continue to send money due American distributors was the belief expressed by H. J. Yates at a press conference here. Yates said that not more than 20 per cent of Republic's income comes from foreign sources and that England represents 16 per cent of this income.

Yates said that he believes the gross on "Man of Conquest" will reach \$1,250,000 and announced "The Hit Parade" has been delayed. In its stead "Wagons Westward" will start Oct. 25 with a cast headed by John Wayne and with a budget comparable to that on "Man of Conquest."

He believes Republic will sell 10,000 accounts in United States for 1939-40 season; that the American public does not want war pictures and that war newsreels will be more thrilling and authentic than studio-made war pictures.

Yates announced England has already ordered eight Gene Autrys to be shown for entertainment of its soldiers; that bookings of Autry pictures have increased 35 per cent in England.

Republic will put 10 pictures in

A Couple of Firsts

Richmond, Va.—Al Nowitsky, publicity director for the Wilmer & Vincent Theaters, secured his private pilot's license last week and his first passenger was Royal Thayer, 75-year-old doorman of the Colonial and National Theaters. It was the latter's first flight.

ITOA Condemns Censorship by State's M.P. Div.

ITOA again has condemned openly film censorship by the Motion Picture Division of the New York State Department of Education. The organization renewed its attack at a meeting last week when it declared that the reversal by the Board of Regents of the censor board's action in banning "Harvest" was conclusive proof that the censors were "inconsistent and incompetent and expensive to the theater owners of the state."

SWG Executive Board Meets Today on Goldwyn Proposal

(Continued from Page 1)

fact-finding committee be created to study industry problems arising from the war in Europe.

Meanwhile, Frank Morgan, president of the Screen Actors Guild, has written Goldwyn that he believes Guild members "Have a sincere confidence in your integrity and believe that any round table conference negotiated by you will be handled with complete honesty and fairness to all concerned."

Morgan adds: "I am aware that our industry must recognize and adjust itself to current conditions and I can assure you that our organization is willing to do its part at all times to protect and safeguard this industry because we know that any neglect of this duty would mean neglecting the best interests of our own people."

10 Metro Field Employees Win Free Trips to Studio

Ten M-G-M field employees, two from each of five branches, have won a trip to the San Francisco Fair and the company's Culver City studio for winning the company's efficiency contest which ended Aug. 31. The winners will meet in Chicago Oct. 13 and travel together to the Coast.

The winners of the free trips were: — Cincinnati: Estelle Schilferth, office manager's secretary, and Henry Cordes, building custodian; Washington: Esther Blendman, assistant bookkeeper, and Elizabeth Wyatt, film inspector; New York: Elizabeth Hoffman, booker's clerk, and Joseph Lalima, night film inspector; New Orleans: Augusta Woolverton, stenographer, and Rosemary McElroy, film inspector; Charlotte: Blanche Carr, cashier, and Jewel Terry, chief film inspector.

Biograph Studio Plans Operations Suspension

By the end of the present month, the Biograph Studio, 807 East 175th St., will at least temporarily suspend operations, it was learned on the week-end.

The studio, which has been prominent in Eastern production activities over a long period of time, has been managed by W. J. O'Sullivan, who, it is asserted, will announce shortly a new affiliation.

production to be delivered by Jan. 1 and they will include two or three Autrys and three "anniversary specials," Yates disclosed. He added Republic will not change its type of stories, concentrating on action pictures and including a few comedies.

St. Louis Operators Threaten Fanchon & Marco Strike

St. Louis — Projectionists' strike against Fanchon & Marco's three de luxe houses, Ambassador, Fox and Missouri, and 25 nabes of the St. Louis Amusement Co., operated by F & M, over a wage dispute, is being held in abeyance pending efforts of William F. White, Federal Labor Conciliator, to iron out the differences. White has held one session with the disputing bodies and will hold others.

Local 143 by a vote of 94 to 0, authorized local execs. to call a strike but Robert Thomsen, president, is awaiting White's efforts to bring about a settlement. The wage contract between Local 143 and F & M expired Sept. 1 and negotiations for a new one were broken off when F & M, according to Thomsen, submitted a proposal to retain exclusive jurisdiction of all employees.

The union charges that F & M has retained five projectionists suspended because they accepted positions to which they were not assigned by the local. The local charges F & M's proposal to retain exclusive jurisdiction of employees is a violation of IATSE's constitution and a bar to collective bargaining.

Four New Film Theaters for Columbus Territory

Columbus, O.—Changes in the theater picture in this territory include: John Robertson has bought the Arcade, Georgetown, and has started work on a new 600-seat theater in Fairfield.

Charlie Dixon is building a new 300-seater in Beverly.

Ted Pekras is planning to build a 800-seat house on the Hilltop. He was formerly owner of the nabe Ritz theater, but for past nine months has been inactive.

Si James is preparing plans for a second house in Eaton.

New Wellman Contract

West Coast Bureau of THE FILM DAILY

Hollywood—Paramount has signed a new one year contract with producer-director William A. Wellman which becomes effective in April. First production under new deal will be "FOB Detroit," a novel by Wessell Smither. Dwight Taylor has been signed by Paramount to write the screen play.

Record "Old Maid" Gross

"The Old Maid" grossed \$258,723 in its six weeks at the New York Strand. This is new high at the house, the previous high being set by "Angels with Dirty Faces" which grossed \$177,420 in a four week period.

RKO BOARD APPROVES WAR EMERGENCY PLAN

(Continued from Page 1)

temporary reductions in salaries, but such reductions will be confined to employees in the higher brackets.

According to an announcement on Friday by President George J. Schaefer, no employee receiving \$4,500 per year or less will be affected. From this point upward, a graduated scale will apply so that the largest salaries will receive the largest percentage cuts, some more than 35 per cent.

In explaining the move, Schaefer said:

"I have withheld any comment on RKO plans to meet the emergency created by the war in Europe until I could review the situation thoroughly. I was unwilling to make a statement that we would not curtail production unless I was reasonably confident that such a course was possible.

"Already there has been a drastic falling off in foreign revenue, which I believe will continue throughout the duration of the war. In view of the drop in foreign exchange and possible restrictions on transfer of funds, the limited reopening of theaters in England and France leads to no certain conviction that substantial revenues will be available from these countries and we in RKO have felt it necessary to find means of effecting economies at home which will enable us, without dependence on income from the United Kingdom and France, to maintain our production program with quality and entertainment value unimpaired.

"The program which we have devised to meet the war emergency, including the salary reductions, was approved at meetings today of RKO Radio Pictures, Inc. and RKO Service Corporation.

"It is my confident belief that with the fine morale now being shown throughout the organization our plans will be successful and that the RKO program will be completed without the least sacrifice of quality or entertainment value."

Garver Terre Haute Houses Pass to Alliance Circuit

Chicago — The Alliance Theater circuit, successor to the Gregory chain, has started its long delayed expansion program by the addition of the Garver Theater circuit in Terre Haute, Ind. The houses added are the Orpheum, the Swan, Idaho and the Virginia theaters. Improvements will be made in these houses.

"Exhibit No. 13"

Lincoln, Neb.—Gene Buck's personal contract with Ascap, both as its president and as a contributor, was offered in evidence in the anti-Ascap test case here.

Ominously marked "Exhibit No. 13."

GB SUBSIDIARY LOSES SUITS VS RCA, ERPI

(Continued from Page 1)

Erpi, and the other against the RCA Manufacturing Co., Inc. Both bills were dismissed.

Patents involved were for a "device for feeding acoustic films at constant speed," issued to Arnold Poulsen and Axel Carl George Petersen, and for a "constant-speed film-feeding mechanism," issued to Arnold Poulsen.

Infringement was charged by RCA's PS-2r reproducer and Erpi's TA-7400 reproducer.

The court ruled the first Poulsen patent was "invalid because of anticipation and for want of invention" and found that the second Poulsen patent had been completely anticipated by a Kellogg patent.

Former Judge Hugh M. Morris represented complainant in both cases, with E. Ennalls Berl as counsel for ERPI and William S. Mahaffy and Herbert L. Cohen attorneys for RCA Manufacturing Co., Inc.

The bills were filed Jan. 10, 1938, and trial was from Feb. 14 to 21 last.

Warner Club to Elect New Nat'l Officers Saturday

At elections held at the Warner home office last week, the following were elected delegates to the annual meeting of the National Warner Club, Inc., Saturday:

Philip Abrahams, Ray Avery, J. H. Barry, W. V. Brooks, W. A. Cannon, Jack Diamond, F. L. Gates, Bernard Goodman, L. B. Griffin, Rudy Hagen, F. J. Kiernan, Walker R. Koppe, Mollie Negri, Leonard Palumbo, John Perin, Eddy Phillips, Elkan Reiner, Sol Shernow, Al Trojack, Sam Wolowitz and Jack Wuhrman.

National officers of the Warner Club will be elected at Saturday's meeting.

Appeal Va. Censors' Ban

Richmond, Va.—"The Wages of Sin," a Willis Kent Picture, which has been rejected twice by the Virginia Board of Censors, will be viewed by Judge Julian Gunn, of the City Circuit Court. The film, which was taken into the Circuit Court by T. O. Campbell, attorney for the Willis Kent Productions, on an appeal from the action of the Censor Board in barring it from exhibition in Virginia, is on appeal as provided for under the State law.

Start New Cincy Nabe

Cincinnati—Work starts today on a new nabe theater in Westwood at Harrison and Urwiler. Louis Wiethe, owner of the Kentucky, Latonia, and Westmont theaters, is the builder of the 1,000-seat house. The F & Y Theater Division Columbus, is contractor for the \$110,000 project.

THE WEEK IN REVIEW

IA Wins Studio Election

(Continued from Page 1)

way pix theaters continued to climb. . . . UA board again voted a bonus for its producers. . . . CFI reported third quarter net of \$232,000. . . . Gov't reported admish taxes up \$88,405 from preceding August

* * *

WAR ECHOES: Samuel Goldwyn requested majors to appoint a fact-finding committee for joint action on producer-distrib. war problems, to which Joseph M. Schenck, AMPP prexy, replied he was in agreement in principal but believed such action premature until full information on war's effects was available. . . . Will H. Hays, MPPDA prexy, addressing Regional Trust Co. Conference of Pacific Coast and Rocky Mt. States, made eloquent plea for keeping U. S. out of the European conflict, and stressed pix industry's duties in the situation. . . . Eastman Kodak announced war would not curtail materials needed by the industry.

FOREIGN

SOUTH AMERICA: Sam E. Morris (Warners) and Phil Reisman (RKO) returning from South and Latin America reported film biz improving in those areas. . . . Joseph M. Schenck, chairman of 20th Century-Fox board, left at week-end for Mexico and South America in connection with firm's drive for increased biz in those quarters.

* * *

EUROPE: Odeon's deal to buy Paramount's British theaters hit a delaying snag in war's outbreak. . . . Germany continued to send collections to the U. S. companies allowed to do biz in the Reich.

Bank Night Stager Brings Suit Against the Schines

Suit for \$8,532, allegedly due for running a Bank Night in 24 theaters, was filed on Friday in New York Supreme Court by Edward Goldstein against Schine Chain Theaters, Inc., Schine Theater Co., Inc., SKE Operating Co., Ltd., Schine Enterprises Corp., and Meyer and Louis Schine trading as Schine Theatrical Enterprises.

On Jan. 20, 1938, the parties allegedly made a contract employing the plaintiff for one year to direct Bank Night at \$10 and \$15 per performance. The amount allegedly due and unpaid for services rendered is \$8,532, the plaintiff claims.

Warner Releases Ready Up to First of New Year

West Coast Bureau of THE FILM DAILY Hollywood — Warners has now completed production of every film the studio has scheduled for release as far ahead as January.

SHORTS, INC.

announces . . .

"MELODY PUZZLES"

The newest, most exciting development in show business!

A short film, with live actors, combining a fast entertaining screen story with popular swing music and prize awards.

A contest unlike any other ever devised—either on or off the screen. Ten minutes of clever, amusing fun . . . a novel, stimulating game that will make your audiences *think, feel and talk!*

The first four "MELODY PUZZLES" are now ready:

"AIN'T LOVE GRAND?"

"THE TRIAL OF EILEEN BALLEW"

"THE SECRET OF THE DOUBLE DOORS"

"CRIME DOESN'T PLAY"

Directed by Reginald LeBorg
Camera: Robert Pittack, A.S.C.

WESTERN ELECTRIC RECORDING

There is NO GAMBLING.

"MELODY PUZZLES" are new, entertaining and *legal!*

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THE Film DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

VOL. 60, NO. 60

NEW YORK, TUESDAY, SEPTEMBER 26, 1939

TEN CENTS

Canadian Circuit Execs. See Quick Rise in Film Biz 10% WAGE INCREASE AVERTS IATSE STRIKE "Business as Usual", British Industry's War Answer

"Never Any Jitters and No Hitch Anywhere," Says Ernest Fredman

By ERNEST W. FREDMAN
Managing Editor of
"Daily Film Renter"

London (By Mail)—At the time of writing we've been at War two weeks, so perhaps you'd like a pen picture of how the British film industry is reorientating itself to the new conditions.

It's settling down nicely—and in 10 days has, in fact, accomplished a marvellous job of work. Immediately on the outbreak of hostilities, came the close-down order of all kinemas and the evacuation of the

(Continued on Page 12)

WAR WILL BRING NO "HATE" FILMS--HAYS

Chicago—While Hollywood studios probably will produce films in which war will appear as a secondary element, there will be no cycle of "hate" pix for propaganda purposes resulting from the present war in Europe, Will H. Hays, MPPDA prexy, assured here yes-

(Continued on Page 7)

Oklahoma Allied Meets, with Legislation to the Fore

By ERNEST W. FAIR
FILM DAILY Staff Correspondent

Oklahoma City—First convention of the newly formed Allied Theater Owners of Oklahoma was set to open here this morning. Organization work has been under way for sev-

Oh, Yeah????!!

Harrisburg, Pa.—Add Believe It or Not! When Loew's Theater here advertised the Louis-Pastor fight films, house attracted some fans who thought it was a revival of "The Life of Louis Pasteur."

1867 Carl Laemmle 1939

It has been given to very few men to leave an indelible mark upon this industry equal to that of Carl Laemmle, whose sudden passing is sincerely mourned both within and without film business.

From that day in late February, 1906, when he opened his first theater, the White Front, in Chicago until his retirement in March, 1936, upon the sale of his holdings in Universal, Carl Laemmle was a dominant personality, his activities adding chapter upon chapter to motion picture history.

To those of the trade there is scant need to re-chronicle here, one by one, Laemmle's many contributions to industry progress. Three times a pioneer—in distribution and production as well as exhibition—those contributions are reflected mag-

(Continued on Page 6)

"U" SILENT PERIOD, LAEMMLE TRIBUTE

Universal employees in exchanges and offices everywhere will observe a five-minute period of silence at 12:30 p.m. today in memory of Carl Laemmle, former "U" prexy, for whom funeral services will be held today at the Wilshire Temple of

(Continued on Page 7)

Canadian Clearance Board Plan Submitted to Execs.

Toronto—Copies of the resolution formulating a plan for establishment of a national clearance board in Canada, passed at the recent con-

(Continued on Page 12)

N. Y. ALLIED UNITS TO MEET ON OCT. 17

Max A. Cohen, president of New York Allied, has called a meeting of its state units for Oct. 17 in New York City. It is understood that the organization, which parted company with national Allied, will map a course of action for the continu-

(Continued on Page 7)

France Names Jean Renoir as Film Production Chief

Paris (By Cable)—Resumption of film production here impends.

The Bureau of Information, government agency, has directed Jean Renoir to plan the resumption of

(Continued on Page 7)

Canadians Leaving Radios for Pix; Quick Rise in Attendance Predicted

Memphis MPTO Meet Elects; No Action on Trade Reform

Memphis—Sunday, opening day of the convention of MPTO of Arkansas, Mississippi and Tennessee, was given to registrations and screenings. Business yesterday was trans-

(Continued on Page 7)

Toronto—Substantial increase in theater attendance within the next few weeks is confidently forecast by leading Dominion circuit operators with headquarters here.

Circuit execs. declare that although the volume of admissions lessened at the outbreak of the war in Europe, due to rivalry of radio,

(Continued on Page 12)

Boost is Retroactive to Aug. 12; Agreement at 6:30 a.m., E.S.T.

West Coast Bureau of THE FILM DAILY
Hollywood—A nation-wide strike of projectionists and studio workers was averted at 2:30 (6:30 EST) this morning when producers granted a 10 per cent increase in wages retroactive to Aug. 12, 1939 to IATSE studio workers.

A delay of four weeks was asked by the producers during the meeting with IA representatives but this request was flatly denied by IA. The producers finally made an offer of 5 per cent increase, and when IA agreed to accept a 10 per cent increase an agreement was reached.

BROADWAY PIX "TAKE" STILL MOVES HIGHER

Week-end Broadway biz continued its upward beat, with all houses reporting substantial increases over recent week-ends. The Paramount set a new week-end record since starting the band policy some years ago. At the Capitol, attendance figures mounted to a total that was

(Continued on Page 3)

S-W Survey of Duals Hints of Policy Change in Philly

Philadelphia—Probability of a "revolutionary" change in the attitude of Stanley-Warner theaters was evidenced here yesterday when Joseph Bernhard, General Manager of Warner theaters, in conjunction with

(Continued on Page 12)

Mid-West Optimistic

H. A. Ross, of Ross Federal Research, returned from a trip through the middle-West, reports a general feeling of optimism and says that Detroit is a hubbub of activity and that, in the district of steel mills of Pennsylvania, things are back to their 1925 level. It was interesting to note that, with few exceptions, and these caused mainly by climatic conditions, the upswing was general.

THE FILM DAILY

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/2	11 1/4	11 1/4	+ 1/4
Col. Picts. vtc. (2 1/2%)	7 1/4	7	7 1/4	+ 1/4
Columbia Picts. pfd.				
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	
Con. Fm. Ind. pfd.	8 7/8	8 3/4	8 7/8	+ 1/8
East. Kodak	158 1/2	158	158	- 1/2
do pfd.	155 1/2	155 1/2	155 1/2	- 1/2
Gen. Th. Eq.	9	9	9	
Loew's, Inc.	33 1/2	32 5/8	33	
do pfd.	103	103	103	
Paramount	7 1/8	6 3/4	7	
Paramount 1st pfd.				
Paramount 2nd pfd.				
Pathe Film	12	10 1/2	12	+ 1 5/8
RKO	1 1/2	1 1/2	1 1/2	
20th Century-Fox	13 3/8	12 7/8	13 3/8	+ 5/8
20th Century-Fox pfd.				
Univ. Pict. pfd.				
Warner Bros.	4 1/8	4	4	
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6546	100	100	100
Loew's deb. 3 1/2% 46	93	93	93
Para. B'way 3555			
Para. Picts. 6555			
Para. Picts. cv. 3 1/4% 47	79 1/2	79	79
RKO 6541			
Warner Bros. cv. 6539			
Warner Bros. db. 6548	80 1/4	80 1/4	80 1/4

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	- 1/8
Sonotone Corp.	1 1/4	1 1/4	1 1/4	
Technicolor	11 3/4	11 1/8	11 3/8	- 5/8
Trans-Lux	1 1/2	1 1/2	1 1/2	
Universal Corp. vtc.				
Universal Picts.				

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.		
Fox Thea. Office Bldg. 1st '46		
Loew's Thea. Realty 65 1st '47		
Met. Playhouse, Inc. 2nd deb. '45		
Roxy Thea. Bldg. 4s 1st '57		

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SECURITY

Execs. Meet Today to Plan "Night of Stars" Program

Leaders of the amusement industry will meet at 4:30 p.m. today in the offices of Marvin H. Schenck in Loew's State Theater Building to crystallize plans for the "Night of Stars," mammoth benefit show to be held on the night of Nov. 15 in Madison Square Garden for settlement of Jewish refugees in Palestine.

Among those who will attend today's meeting are: Ben A. Boyar and Marvin H. Schenck, associate chairmen of the Producing Committee; Jesse Kaye of Fanchon & Marco; Arthur Knorr of the Roxy Theater; Leon Leonidoff of Radio City Music Hall; Herbert I. Rosenthal, CBS; John Shubert; Harry Mayer, Warners; Frank Roehrenbeck, WHN; Sidney H. Piermont, WHN; Harry Kalcheim, Lester Isaac and Samuel Chotzinoff.

Three Majors Get 20 Days to Answer "Govt's" Brief

Oklahoma City — Defendants in the U. S. Department of Justice suit against the Griffith Amusement Company and affiliated circuits under the Sherman anti-trust laws, in which the government seeks to prove the company forms a monopoly in distribution of first- and second-run motion pictures, have been given 20 days to file a reply to the Government's brief by Edgar S. Vaught, district judge.

Specific defendants named in the 20-day grant of time were United Artists Corp., Universal Film Exchange Inc., and Columbia Pictures, Inc.

Eddie Golden to Address W.Va. ITO Convention Today

Clarksburg, W. Va.—Edward A. Golden, Monogram's vice-president in charge of exchanges, will be guest speaker at the convention and banquet of the Independent Theater Owners Association of West Virginia at the Waldo Hotel here today.

Four hundred are expected to attend the business sessions, according to Danny Davis, chairman of the convention committee. R. J. Hiehle is president of the ITOA of West Virginia. Other officers are R. D. Mirks, vice-president and Garland West, treasurer.

Jury Trial Ordered

A jury trial in December of the suit brought by the International Flight Corp. against Movietone News and Fox Film Corp. was ordered yesterday by New York Supreme Court Justice Isidore Wasservogel. Suit asks for \$100,000 damages for alleged negligence on the part of the defendant in handling a plane loaned to them in 1934 to fly films of the assassination of King Alexander of Yugoslavia.

Fordham-Waynesburg Game to Start Tele's Season

Television's first season of intercollegiate football via NBC, will get under way Saturday, with a telecast of the Fordham University-Waynesburg College game at Randall's Island. The telecast will begin at 2 p.m. over Station W2XBS.

Other games already booked for telecast by the NBC mobile unit are: Manhattan versus St. Bonaventure, at Randall's Island on Oct. 7; College of the City of New York versus Scranton, Oct. 14 at Lewisohn Stadium; C.C.N.Y. versus St. Joseph's Nov. 18 at Lewisohn Stadium, and Long Island University versus Catholic University, Nov. 23.

NBC is also after two distinctly big-time contests and there is also the possibility of one or more professional football contests being telecast.

Warners Adding 5 Cents to Hartford Nabe Scale

Hartford — Warners have raised admission of all the Hartford nabe houses from 25 to 30 cents. The Cameo, Bristol and the Strand, Manchester will also have an admission increase from 35 to 40 cents. The Colonial, Hartford returns to a second-run policy, after a two weeks' trial of a reserved seat, first-run, day and date policy with the Strand.

Expect ITA of Ontario Will Convene In October

Toronto — Annual convention of the ITA of Ontario is expected to be set for the first week in October at a meeting of the association's execs. here Thursday.

Tim Donahue Dies

Boston—Tim Donahue, Columbia city salesman, died suddenly of a heart attack here yesterday afternoon. He collapsed on the corner of Church and Melrose Sts., in the film district and was rushed to the hospital where he was pronounced dead upon arrival.

Para. Sets Circuit Deals

Chicago—Paramount has closed seasonal product deals with the Alliance and Anderson circuits in this territory, according to Manager James Donahue.

Increase in volume of biz at the local branch has brought the addition of Harold Wise to the booking staff.

Miss Shearer in Hospital

Norma Shearer will be in the Doctors Hospital for a few days. She is recuperating successfully from the extraction of a wisdom tooth by Dr. Leo Winter, surgical dentist.

COMING AND GOING

WILL HAYS returns here today.

HAROLD SCHUSTER, director, returns to Hollywood this week-end. He returned last week from England.

ROBERT BASSELER, story head in England for 20th-Fox, has arrived here from London.

HY GARDNER goes to Hollywood next month.

SYDNEY CLARE, 20th-Fox song writer, is here for a vacation.

BING CROSBY returned to Hollywood over the week-end after a vacation here.

LEON NETTER, Paramount theater chieftain, and LEONARD GOLDENSON, returned to New York yesterday after a two-week trip in the middle-West.

MRS. FOSTER JACKSON, owner of the Elsinore Theater, Elsinore, Cal., was a visitor at the Warner home office yesterday.

ANN SHERIDAN arrives here tomorrow morning from Chicago.

LIEUTENANT HARRY J. LEWIS, U. S. Army Signal Corp., has arrived in Hollywood to study the picture industry.

CHARLES L. GLETT, vice-president of Eastern Service studios, returns from the Coast today.

H. M. BESSEY, secretary-treasurer of Altec Service Corporation has returned today from a trip to the Coast.

SIMONE SIMON, French actress, is en route to New York to appear in the musical stage play, "The Gibson Girls."

AL LEWIS is due here early next month from the Coast with a stage play, "Quiet, Please," which the two film writers, F. Hugh Herbert and Hans Kraly, have written, which he expects to produce here.

DAVID A. BADER arrived in New York yesterday on a brief business trip; he's at the St. Moritz.

R. V. ANDERSON, special assistant to Short Subject Sales Manager Harry Michelson of RKO Radio Pictures, is on a tour of several exchanges in the South.

20th-Fox to Release 17 in Three-Month Period

Headed by three Technicolor specials, 20th-Fox will release 17 pictures during the next three months, including two re-issues, it was announced yesterday by the company. Technicolor films are "Drums Along The Mohawk," "Hollywood Cavalcade" and "The Blue Bird." Record number of seven will be released during October with the two re-issues going out that month.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 26

Antonio Moreno

Edmund Gwenn

BROADWAY PIX "TAKE" STILL MOVES HIGHER

(Continued from Page 1)

only slightly short of the house record.

Pace makers were Paramount's "Moonlight in Bali" at the Paramount, and Metro's "The Women," at the Capitol. "The Rains Came," 20th-Fox, continued strong at the Roxy in its third and final week, with a total attendance of approximately 375,000 or more expected for the three-week run.

"Nurse Edith Cavell," RKO, topped all other recent RKO releases at the Music Hall and was set for a second week. "Espionage Agent," Warners, at the Strand, recorded better than average business and was set for a second week. "The Real Glory," United Artists, continued big at the Rivoli, with Saturday's business equal to anything in the theater's history. Picture will go at least two more weeks, it was said.

Propaganda Fund Charge Untrue, Declares Amkino

Testimony by Dr. D. H. Dubrowsky before the Dies Committee on un-American Activities that Amkino provided money for Communist propaganda was branded as untrue yesterday by a spokesman for the distributing company. T. P. Lewis, of Amkino, which is the exclusive distributor of Soviet pictures in the U. S., denied all charges made by Dr. Dubrowsky.

According to Dr. Dubrowsky, Amkino uses about \$1,000,000 a year from American film fans to pay for Communist propaganda in this country.

Lewis declared yesterday that Amkino was a company chartered under New York State Laws and that its books were open for inspection by anyone who wanted to see them.

WEDDING BELLS

Chicago—Miss Gene Gedwell, secretary to M. M. Rubens of the Great States circuit, has resigned and has been succeeded by Miss Grace Winchester. Miss Gedwell was married to Charles Ogan of Berwyn last week.

Sheboygan, Wis.—Gladys Schrammeyer, cashier at the Rex theater, and Alex Kunstman, projectionist at the Majestic theater were married here.

Engagement is announced of Charles Villency, former film reviewer of The Syracuse Herald and now chief of the Herald Journal's Binghamton bureau, and Ruth Small, New York actress.

ALONG THE



WITH PHIL M. DALY

● ● ● DON'T be too sure.....that it can't happen here..... for it is happening in Cleveland.....and the public there is reported going ga-ga.....Whether we will be immune remains to be seen..... but in the Ohio metropolis.....just as sure as you're born.....is on display the sarong of Dot Lamour.....as part of a mammoth display in the main concourse of the Terminal Tower.....The sarong got there via the co-operation of the Cleveland Federation of Women's Clubs and its affiliates.....all of which are 'thusiastic about making the folks along bright Erie's shores.....mindful of the fact that this is the 50th Anniversary year of the pix industry.....

● ● ● DISPLAY opened Thursday, last.....and will continue through Oct. 6.....with the Lamour sarong only one magnet.....Exhibition also features a case of original Walt Disney drawings....."full size models" (whether alive or plastic was not asserted) wearing gowns which bedecked Joan Crawford in "Chained".....and Greta Garbo in "Ninotchka".....plus the uniform Gary Cooper sported in "Beau Geste".....The popping eyes of Cleveland fans also feast upon articles of jewelry..... worn by other leading actresses of the screen.....Too, there are photos of movie make-up artists at work.....antique and modern m.p. technical equipment.....Club hostesses are present during the day and evening to answer questions.....even about the sarong.....

● ● ● OUT in Chi.....the 50th Anniversary of films.....will also be appropriately celebrated.....sarong or no sarong.....B & K has prepared a strong ad campaign.....using dailies, radio, and their own theater screens.....Warner houses in the territory have also made ambitious plans.....Chi, you remember, has a forefinger firmly in the industry's historical pie.....being the home of the ole Essanay Studio.....via which stars galore burst into fame.....among them Francis X. Bushman, a chap by the name of Charles Chaplin, Gloria Swanson, Kathlyn Williams.....and many others were to reach renown via Chi engagements.....

● ● ● CHICAGO is also linked closely with the careers of Adolph Zukor, Sam Katz, Barney and John Balaban, and the late Carl Laemmle.....The Messrs. Balaban and Katz started their spectacular rise in that city some 22 years ago.....and pioneered in industry advances.....such as air-conditioning.....de luxe houses.....trained personnel.....better lighting.....larger screens.....et al.....

● ● ● TOMORROW night at their Beverly Hills Theater..... the Warners are giving the Bette Davis-Errol Flynn opus....."The Private Lives of Elizabeth and Essex".....a mow-'em-down premiere.....the "invites" to which reflect the grandiose scale upon which the festivities will be held.....The "invites" are on parchment.....Old English lettering proclaiming the event and general info.....and at the bottom you find the word "formal".....We'll say it is!.....

● ● ● ANOTHER burst of clever ballyhoo.....cometh from Wilmington, Del.....in the form of a herald designed by Edgar J. Doob.....for the engagement at Loew's Theater of "Thunder Afloat".....Ed used the Wilmington Morning News' page 1.....telling of the invasion of Poland.....and sur-prints his message on the pix.....

« « « » » »

CIRCUIT EXECS. COOL TO BRANDT PROPOSAL

Harry Brandt's suggestion that circuits in the Metropolitan area agree to arbitration as a means of settling disputes, including clearance problems, has failed to draw any reaction from circuit executives. A tendency to make no comment on the idea was apparent on Friday and from some sources it was indicated that Brandt's proposal would be vetoed.

The distributors have not signified their intentions officially to include arbitration of clearance in their sales policies, although most of them have expressed their willingness to arbitrate disputes arising from contract violations.

The ITOA, which is sounding out the circuits' attitudes on arbitration, had received no replies to its letters up to Friday night.

Two New Movie Courses At New York University

Kenneth F. Space, pioneer in 16 mm. pix production for non-theatrical use will give the new elementary course in movie-making this Fall in the School of Education of New York University. Formerly a research chemist and a still and motion picture cameraman with the Agfa Ansco Company, Mr. Space has been a motion picture director-cameraman and film editor for the Harmon Foundation since 1934.

Another new course in the field of motion pictures is to be presented at the School of Education by Ernest L. Cox of the New Jersey Visual Education Association on the class-room and educational use of motion pictures.

The general course on the motion picture in its technical, artistic, educational and social aspects is to be continued under the direction of Dr. Frederic M. Thrasher, Professor of Education, who is also technical director of the Metropolitan Motion Picture Council.

Polio Bars Juve Patrons

Richmond, Mich.—The Richmond Theater has been instructed to refuse admission to persons under 18 years, due to new cases of infantile paralysis in the community.

New House for Suffolk

Suffolk, Va.—Henry Roth, general manager of the Pitts-Roth Theaters here, has announced that his company will start work on a new 1,000-seat house here as soon as plans are completed by Ed Sinnott, architect, of Richmond.

STORKS!

It's a boy—in the home of J. S. Briggs, Altec engineer in Seattle, Wash.

**THREE SHOWS TO
KEEP YOU ON YOUR TOES!**

BETTE DAVIS
and
MIRIAM HOPKINS

in
•THE OLD MAID•

with
GEORGE BRENT
DONALD CRISP • JANE BRYAN
LOUISE FAZENDA

James Stephenson • Jerome Cowan • Wm. Lundigan • Cecilia Loftus
Directed by **EDMUND GOULDING**

Screen Play by Casey Robinson • Based on the Pulitzer Prize Play by
Zoe Akins and the Novel by Edith Wharton • Music by Max Steiner
A First National Picture

JOHN GARFIELD

and
PRISCILLA LANE

in
•DUST BE MY DESTINY•

with
Alan Hale • Frank McHugh • Billy Halop

Directed by **LEWIS SEILER**

Screen Play by Robert Rossen • From a Novel by Jerome Odum
A First National Picture

JOEL McCREA

and
BRENDA MARSHALL

in
•ESPIONAGE AGENT•

with
JEFFREY LYNN • GEORGE BANCROFT

Directed by **LLOYD BACON**

Screen Play by Warren Duff, Michael Fassier and Frank Donoghue
From an Original Story by Robert Henry Buckner
A First National Picture

JACK L. WARNER In Charge of Production

HAL B. WALLIS Executive Producer

WARNER

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WARNERS' first for the new year beats Warners' biggest of
Six weeks at Strand N. Y.—first attraction in 6
to go over 4 weeks! Paramount B'klyn registers big-
2 weeks of all time and goes a 3rd! Frisco, L. A., New
-everywhere the same sensational boxoffice story!

• THE OLD MAID •

WARNERS' first starring show for John Garfield and Priscilla
by far the biggest show they've had to date. Written
by the author of 'Each Dawn I Die'! No 'ifs', 'ands',
'—everything that 'I Am a Fugitive' meant to your
for 1932 this will mean in 1939! Get set for it now!

• DUST BE MY DESTINY •

WARNERS' most timely, most revealing, most true-to-today
ever! First picture of the U. S. Foreign Service—and
bit as strong an entertainment as the great Warner
pictures' of the past. It's Brenda Marshall's starring
and a big shot that will be heard 'round the industry!

• ESPIONAGE AGENT •

Industry's Leaders Pay Tribute to Carl Laemmle, Sr.

'Services Were Distinguished,' Says Will H. Hays, MPPDA Prexy

Industry leaders and figures associated with him in the development of film biz yesterday joined in expressions of grief on the passing of Carl Laemmle, Sr., former president of Universal.

Many in the trade first learned of Laemmle's death yesterday through THE FILM DAILY, which exclusively carried a Coast wire story.

Typical of the tributes paid were these:

Will H. Hays: "In almost three-quarters of a century, Carl Laemmle traveled far. He crossed the Atlantic to the United States to become a fine American citizen. He crossed the United States to the Pacific to become a great distributor and a producer who helped set the motion picture stars in their courses.

"Now Uncle Carl has started on a longer journey to a land no man knows, but we do know that he will find friends there. In his long journey from life until death, he never traveled anywhere without making or finding a friend.

"The services of Carl Laemmle to the motion picture industry were distinguished. He had courage and vision and he kept his honor bright. He fought for what he believed to be right and kept his plighted word. He gave more than he asked. His friendship braved the storm.

"Carl Laemmle had and deserved the deep personal affection of all who knew him. He was a little man who was big enough to fill our hearts. His death is a public and a personal loss."

Nicholas M. Schenck: "Carl Laemmle made a great contribution to the industry and he also made friends of all who knew him. I was proud to be among them."

Barney Balaban: "The death of Carl Laemmle marks the passing of one of the true pioneers of motion pictures—the men of vision, daring and enterprise who founded the industry and guided it through the troubled early years of its existence. The entire film industry mourns his passing and honors his memory."

Sidney R. Kent: "The passing of Carl Laemmle, Sr., was a deep shock to all of those who knew and appreciated his contributions to the motion picture industry."

Harry M. Warner: "The passing of Carl Laemmle is indeed a sad blow to the industry in which he was a pioneer. We shall miss him greatly."

David O. Selznick: "The passing of Carl Laemmle is a source of great sorrow to all who grew up in the picture business and knew him as one of the great and best beloved pioneers."

James R. Grainger: "It is difficult for me to put into words what I feel regarding the loss of the beloved Carl Laemmle. It was my great

1867 Carl Laemmle 1939

(Continued from Page 1)

nificantly in the development of the industry's business structure and its cultural and art values.

It was Carl Laemmle who was responsible for breaking the stranglehold of the Motion Picture Patents Company after a costly three-year fight; it was Carl Laemmle who early foresaw the importance of the film exchange; it was Carl Laemmle who stripped the anonymity from Mary Pickford; it was Carl Laemmle who fostered the "star" system; it was Carl Laemmle who gave impetus to the feature and to top budget pictures. And these are only a few of the highlights of a career that, spanning three decades, saw the motion picture soar from obscurity to its present imposing state.

Yet despite success and its accompanying handsome rewards, Carl Laemmle kept what Kipling has so well described as the common touch. To innumerable thousands, he was always "Uncle Carl," and the affectionate regard thus expressed explains why Laemmle, the man, as well as Laemmle, the film magnate, is so well remembered, so sincerely mourned.

In the conclusion of his Laemmle biography, the late John Drinkwater, quoting Lincoln's words that "I do the very best I know how, the very best I can; and I mean to keep doing so until the end," added, "Uncle Carl, too, will keep on doing that until the end."

It was a prophecy fulfilled.

—BAHN.

privilege to have worked for this benevolent gentleman who gave so much to the motion picture industry. I also knew him as a friend, and, like others who knew him, or felt his influence, will remember him always for the wholesome, kindly and sincere person that he was."

Murray Silverstone: "To his family and to the industry Carl Laemmle made his life's work, I offer deep and sincere condolences. He was a pioneer, with a brave, adventurous spirit. I think this industry is much greater and owes much to the life and the work of Carl Laemmle."

W. Ray Johnston: "Death of Carl Laemmle marks the passing of a great figure of our industry. His career summarized in many respects the evolution of motion pictures. Although he had retired from active participation in the business, he has left an unmistakable and lasting impression on it."

Joseph M. Schenck (Wired from Mexico City): "The passing of Carl Laemmle was a shock and a great loss to the motion picture industry. Carl Laemmle was more than a pioneer, he was a builder. A kind, gentle man, he fought for the industry at a time when it was weak and shackled, and, due to his courage and independence, the fight that was of nation-wide importance in its time was won. Laemmle was a friendly man, and it is in that character even more than in his leadership that Hollywood will remember him, for he never turned a deaf ear to misfortune and his benign generosity will never be forgotten in this generation because they were so wide-

spread. The whole world of motion picture industry must mourn the loss of Carl Laemmle, but in Hollywood where he lived and worked his memory will be enshrined."

Louis B. Mayer: "Is it possible that 'Uncle Carl' has crossed to the Great Beyond? This great pioneer played an important part in the development of our industry from the time pictures were being made for nickelodeons to this day when they have reached their important position in the cinema theaters of the world. Carl Laemmle was loved by countless numbers to whom he was so sympathetic and helpful, and I know that a great many in the industry will feel a deep personal loss in his passing. I am confident that the heartfelt sympathy of everyone connected with motion pictures in California and elsewhere goes to members of his immediate family to whom he was so devoted."

Nathan D. Golden: "Carl Laemmle was a pioneer. There is no question of that. He contributed considerably to the industry as it now exists today. His death will be mourned throughout the industry."

R. H. and P. D. Cochrane: "We were terribly shocked to hear the news of Carl Laemmle's death over the radio. We have lost a great friend. The industry has lost a leader who can never be replaced."

Pandro S. Berman: "While Carl Laemmle has been inactive for several years his influence still was tremendous in Hollywood and the industry will miss him."

J. Robert Rubin: "The business is better for Carl having been in it."

"He Made Friends of All Who Knew Him," Declares Nicholas M. Schenck

George J. Schaefer: "Carl Laemmle helped to mould the first half century of the motion picture industry. Almost from its beginning it was a vital force in it and his contribution to its progress were many."

Jules Levy: "Carl Laemmle had the vision of a pioneer and the courage of a builder."

Maj. Albert Warner: "It has been my privilege to know Carl Laemmle for many years and it is with deep sorrow that I join the motion picture industry in mourning the loss of one of its foremost pioneers and beloved personalities. He contributed more than his share towards the great strides this industry has made since its early inception."

Herman Wobber: "It was with the deepest regret that the industry learned of the death of Carl Laemmle, Sr., whose warm, human friendship was enjoyed by so many."

Spyros Skouras: "The motion picture industry has lost not only a pioneer but also one of its kindest figures in the passing of Carl Laemmle, Sr."

Jack L. Warner: "Death has removed one of the industry's truly great figures in the passing of Carl Laemmle. It is a severe loss for thousands who knew him and regarded him with great affection."

Phil Reisman: "Carl Laemmle's constant contact with the details of not only production but distribution is probably one of the reasons for his long success in the picture business. He was one of the great believers in publicity and advertising, many times spending as much on an advertising campaign as pictures of similar type grosses. He had uncanny judgment in selecting at least one or two outstanding stories or plays each year and when he resigned from the industry, it was a distinct loss to the picture business."

Jack Cohn: "Having started my motion picture career 30 years ago in close association with Carl Laemmle, Sr., I feel qualified to say that he was directly responsible for the remarkable development of our industry. He had great foresight and unlimited courage. I feel a great personal loss in the passing of Carl Laemmle and was shocked beyond words when I heard of it."

Ned E. Depinet: "Having worked for Universal from its organization until 1924, I had the opportunity to personally know of the great leadership of Carl Laemmle and to respect and admire his undaunted spirit and courage."

Gradwell L. Sears: "I was profoundly shocked to learn of Carl Laemmle's death. A pioneer, a humanitarian, and a grand old man of the motion picture industry, he will always be remembered as such."

"Feeling Pretty Good," Wrote Laemmle Friday

What was one of the last, and possibly the very last, letter written by Carl Laemmle, Sr., was received yesterday morning in New York by Michael Mindlin, film industry veteran. The missive was postmarked in California on Friday, last, and the concluding paragraph read: "I am feeling pretty good these days. We have had some of the hottest weather this city has experienced in 26 years. As I have been confining myself to my air-cooled room at home, working and dining there as well as sleeping, I have not inconvenienced myself because of the humid weather. With kindest holiday greetings, I remain, Sincerely yours, (signed) Carl Laemmle."

"U" SILENT PERIOD, LAEMMLE TRIBUTE

(Continued from Page 1)

B'nai B'rith in Los Angeles, with Rabbi Edgar F. Mangin officiating. The body will lie in state at the Temple from 11:30 to 12:30 noon today.

Interment will be in the Home of Peace Mausoleum here.

Late last night, Sam Behrendt, David Tannenbaum, Dr. Leland Hawkins, Ben Strauss, Herman Einstein, Jack Ross, Fred Meyer and Sam Von Ronkel were named to act as honorary pallbearers.

A resolution conveying sympathy to the family and paying tribute to the life of Laemmle was adopted by the Association of Motion Picture Producers. "The influence of Carl Laemmle upon the industry to which he devoted so many of his years is nestimable," the resolution stated. "During his long career as a motion picture leader all of us learned to respect and love him. To his family we express our deepest sympathy in their personal loss."

In a joint statement by Nate Blumberg, president, and J. Cheever Cowdin, board chairman, the executives said:

"The motion picture industry has just lost, by the death of Carl Laemmle, one of its finest figures and real pioneers. Although Mr. Laemmle was no longer an official member of our family, Universal executives and employees everywhere keenly feel this loss in a sincerely, personal way."

New York Allied Units Will Meet on October 17

(Continued from Page 1)

ance of the association. The name, Allied Theaters of New York, will be retained.

Meanwhile, reports are current that national Allied will invade New York with a new group, indications being that the Albany unit will be the nucleus. Current rumors say that the Syracuse, Buffalo and Rochester chapters will remain loyal to the Cohen regime, while Albany leans toward the national body.

Cohen is of the opinion that the independent exhibitors will be without a code or a fair trade practice formula for at least five years. The war, he believes, will retard the equity suit trial. Blame for this condition is laid by Cohen to Allied leaders for the rejection of the code and for their efforts in allegedly urging the Department of Justice to brand the proposals as illegal.

Capital V. C. Seeks Funds

Washington Bureau of THE FILM DAILY

Washington—The Variety Club of Washington is sponsoring "The Cavalcade of Thrills" Oct. 12-13 for the benefit of the Variety Club Welfare Fund.

"REVIEWS"

"RIO"

with Basil Rathbone, Victor McLaglen, Sigrid Gurie, Robert Cummings
Universal 75 Mins.

STIRRING, ACTION-FILLED DRAMA, SKILLFULLY FASHIONED AND GEARED TO SCORE AT B.O.

Here is a gripping picture, expertly directed by John Brahm, who has blended the action, romance, and comedy effectively. Basil Rathbone turns in a flawless performance as a master swindler who believes he can hold the love of his wife of a year although he has been sentenced to a 10-year prison term. Sigrid Gurie plays the wife and does fine work. An outstanding performance is that of Robert Cummings as a young engineer who falls in love with Sigrid. Although Victor McLaglen, enacting the role of Rathbone's bodyguard, is costarred, he hasn't a great deal to do. Leo Carrillo and Billy Gilbert fill in the comedy effectively. Irving Bacon, Maurice Moscovitch, Irving Pichel, Ferike Boros, and Samuel S. Hinds do splendid work in supporting roles. Aben Kandel, Edwin Justus Mayer, Frank Partos, and Stephen Morehouse Avery contributed a strong screenplay, based on an original story by Jean Negulesco. Jimmy McHugh and Ralph Freed fashioned one song for Miss Gurie, and Freed and Frank Skinner composed two. Art Director Jack Otterson designed two attractive settings. For his gigantic swindle in Paris, Rathbone is sent to the French penal colony, Jacquet, 30 miles from Rio de Janeiro. To be near him Sigrid gets work as a cafe singer in Rio and McLaglen, as a bartender. Sigrid meets Cummings who is slowly drinking himself to death, despondent over the collapse of a bridge he was building. Sigrid induces Carrillo, owner of the cafe and a rancho, to give Cummings a job. Rathbone makes an escape and reaches Rio only to learn that Sigrid is in love with Cummings. He threatens to kill Cummings, but is restrained by McLaglen. In attempting to escape from the police, who have closed in on him, Rathbone is killed and McLaglen dies with him.

CAST: Basil Rathbone, Victor McLaglen, Sigrid Gurie, Robert Cummings, Leo Carrillo, Billy Gilbert, Maurice Moscovitch, Irving Bacon, Samuel S. Hinds, Irving Pichel, Ferike Boros.

CREDITS: Director, John Brahm; Original Story, Jean Negulesco; Screenplay, Aben Kandel, Edwin Justus Mayer, Frank Partos, and Stephen Morehouse Avery; Cameraman, Hal Mohr, A.S.C.; Art Director, Jack Otterson; Film Editor, Philip Cahn; Musical Director, Charles Previn; Gowns by Vera West and Mme. Pola; Sound, Bernard B. Brown.

DIRECTION, Expert. PHOTOGRAPHY, Fine.

Black Shifts Managers

Harry Black, general manager, Fabian Staten Island Theaters, announces the following changes: Edgar Goth, manager of Paramount Theater promoted to divisional publicity head; John Firnkoeess moved from Liberty Theater, Stapleton, to Paramount Theater, Stapleton; Elihu Glass succeeds John Firnkoeess at Fabian's vaudeville and picture combination Liberty Theater.

Memphis MPTO Meet Elects; No Action on Trade Reform

(Continued from Page 1)

acted in half a day to make time for the luncheon tendered by Film Row and the golf tournament in the afternoon.

No action was taken on trade practices and reforms reiterated by President Ed Kuykendall of the MPTOA in his opening address wherein he mentioned outside interference, government regulations, taxes and "reformers."

M. A. Lightman outlined the advantages of the Variety Club.

President R. X. Williams, Mayor of Oxford, Miss., urged that exhibitors get together with their exchange managers and ascertain prices obtained in other towns.

"You need to know what is going on and policies offered there to offset the combine of film managers and salesmen," he said. "Also keep in touch with your legislators."

K. K. King, president of ITO. of Arkansas, R. J. O'Donnell, general manager of the Interstate Circuit, Dallas, Tex., and Y. D. Moore, secretary of McKenzie, Tenn., were unable to attend.

W. Earl Elkin served as secretary pro tem.

Officers elected and committees named were: R. X. Williams, re-elected president; regional vice-presidents, R. S. Cox of Batesville, Miss., L. F. Haven of Forest City, Ark.; W. F. Ruffin of Covington, Tenn.; secretary-treasurer, W. S. Tyson of Water Valley, Miss.; chairman board of directors, M. A. Lightman of Memphis; board of directors for Arkansas, W. L. Landers, of Batesville; K. K. King of Searcy; J. F. Norman of England; M. S. McCord of North Little Rock; Cecil Cupp of Arkadelphia and Sydney Wharton of Warren; for Mississippi, W. Earl Elkin of Aberdeen; W. S. Taylor of Laurel; Dave Flexer of New Albany; for Tennessee, Fred Ford, Joseph Wheeler, Cecil Vogel, all of Memphis.

A dance and banquet ended the sessions last night.

France Names Jean Renoir as Film Production Chief

(Continued from Page 1)

studio activity with a view to turning out not only propaganda pictures but artistic pix for export as well.

While many of France's leading actors—Jean Gabin, Pierre Blanchard, Aimos and Raymond Corday, Charles Boyer, Rene Dary, Paul Cambo, Bernard Lancret, Gilbert Gil and Charles Tenet—are already in uniform, it is understood that those desired by Renoir will be granted leaves of absence.

World Has "Ski Chase"

"Ski Chase," featuring Hannes Schneider, has been re-recorded with English narrative by John Martin and will be released nationally as a featurette by World Pictures.

WAR WILL BRING NO "HATE" FILMS--HAYS

(Continued from Page 1)

terday on a stopover from Hollywood to New York.

Because the industry feels that the primary purpose of the movies is entertainment, producers definitely are averse to the creation of propaganda, Hays declared.

The MPPDA president will preside at the quarterly meeting of the board of directors in New York tomorrow.

Budd Rogers Sets Deals on Topical Three-Reeler

Budd Rogers, vice-president and general manager of Alliance Films has set several distribution deals for "The Warning," the topical three-reeler which has been playing first-runs at a number of RKO and Loew's theaters.

Lou Baxley is handling the film in Texas, Oklahoma, and Arkansas. Sack Amusement Enterprises is covering the Southern territory which includes North and South Carolina, Alabama, Georgia, Florida, and part of Tennessee. The Chicago and St. Louis spots are set with Special Attractions, Pam-O-Film Exchange is handling the picture in Buffalo, and the Herbert Rosener Company has the distribution in California, Washington, and Oregon. Colonial Pictures, Ltd., is releasing "The Warning" in Canada, the Maritime Provinces, and Newfoundland.

Oklahoma Theaters Writ Hearing Set for Oct. 2

Oklahoma City—Judge A. P. Murrah has set Oct. 2 at 9:30 a.m. as the time when he will hear the application of Oklahoma Theaters, Inc. for a temporary injunction against various distributors here. The application seeks to force film distributors to sell the company's Odeon theater in Shawnee, Okla., second and subsequent-run film which it alleges have not been sold to any other Shawnee theaters and which the distributors have refused to sell it. A. B. Momand is owner of Oklahoma Theaters, Inc.

Mrs. G. L. Willer Dead

Grand Rapids, Mich.—Mrs. Bessie L. Willer, wife of Grover L. Willer of the firm of Willer & Boshoven, operators of the Liberty, Madison and Franklin theaters here, died after a long illness. She is survived besides the husband, by a daughter, her mother and two sisters.

MP Associates Meet

Business meeting and luncheon of the Motion Picture Associates will be held today at the Astor to discuss plans for the annual dinner and dance. Date for the affair has been set for Nov. 25.

THE THRILLING ANSWER TO TEST ENGAGE U-BOAT

NOT A RE-ISSUE..

**SUBMARINE WARFARE MAKES
THE YEAR'S MOST
MELODRAMATIC
PICTURE!**

Enemy U-Boat commander sails
under sealed orders of death!

U-BOAT 29

Women and children first
to die . . . in U-Boat attack.

Is this beauty friend or foe . . . as
U-Boat terror at sea is directed by
unknown master spies on land?

Suicide submarine crews ravage the high seas . . .
in history's most ruthless slaughter of innocents!

Lovers trapped in the
cruel inferno of war!

**CONRAD VEIDT
VALERIE HOBSON
SEBASTIAN SHAW**
Screen play by Emeric Pressburger
Directed by Michael Powell
A COLUMBIA PICTURE

These are the hard selling ads that
were used in Hartford and Albany
... They are in the press book!

**TODAY'S U-BOAT TERROR
MAKES
THIS THE
YEAR'S
TIMELIEST
PICTURE!**

U-BOAT 29

Out of Europe's
blackout of peace
flashes the in-
side story of ruth-
less submarine
warfare and in-
credible world-
wide espionage!

**CONRAD VEIDT
VALERIE HOBSON
SEBASTIAN SHAW**
Screen play by Emeric Pressburger
Directed by Michael Powell
A COLUMBIA PICTURE

Produced by IRVING ASHER
A COLUMBIA PICTURE

GEMENTS...

29

A NEW PICTURE!

SI FABIAN ...

of Fabian Theatres,

Says: "'U-BOAT 29'

is tremendous success at Grand Theatre, Albany. It's a sure box-office hit for any showman who capitalizes on its sensational timeliness. Warrants the top billing spot and the campaign we gave it!"

★ HARTFORD ...

George Landers,

E. M. Loew Theatre, Hartford, Conn.,

Says: "Good opening followed big exploitation campaign...word-of-mouth excellent! Reviews fine! Everything points to fact that 'U-BOAT 29' is one of the best showman's pictures ever made. Its box-office is assured."

★ ALBANY ...

Lou Golding,

speaking direct from Grand Theatre, Albany,

Says: "It is everything Columbia said about it. It opened big and is going strong!"



SMART SHOWMEN ARE RUSHING DATES!

Held

SECOND RADIO CITY

BUSINESS SENSATION

indicate another RKO RADIO BIG
circle of \$100,000-a-week hits! . .
the most lavish critical praise ever
shocked the world is all set for mo

ANNA NEAGLE *in her first Hollywood*
with **EDNA MAY OLIVER • GEORGE**
H. B. WARNER • SOPHIE STEWART • MARY

OVER

D WEEK

MUSIC HALL

ATIONAL! . . . First four days
ONE shooting up into that charmed
Hailed by a nation-wide chorus of
accorded a picture, this story that
e big openings this week and next!



appearance as **"NURSE EDITH CAVELL"**

SANDERS • MAY ROBSON • ZASU PITTS

OWARD • ROBERT COOTE • Produced and Directed by HERBERT WILCOX • Screen Play by Michael Hogan

"BUSINESS AS USUAL" IN BRIT. PIX CIRCLES

(Continued from Page 1)

offices of distribution companies in and around Wardour Street. Today, exactly eleven days after the declaration of War, all kinemas are again open—and distributors returning to their old offices.

It's amazing how we have accepted the new conditions; there has been no panic at any time, and definitely never any jitters. Wise precautions were made in evacuating film companies' offices, with their huge staffs, to safer places in the country, and for three days the task of arranging fresh accommodations, dumps for storage of films and transport facilities, was hectic in the extreme. Staffs labored night and day, and houses were taken in the country in districts that never in their wildest dreams expected to have the full personnel of the big film concern parked in their midst.

Metro In English Mill

Some of the places they have taken are unique. Columbia Pictures are in a Castle down in Sussex, and Metro-Goldwyn-Mayer have a real English Mill, complete with water; others are in country houses with the staffs sleeping in dormitories and anywhere they could find room for a bed.

But gradually order has been restored out of the chaos. Sales departments have been brought back—kinemas have re-opened—they don't close until ten o'clock, except in the West End, where a six o'clock curfew operates—but that, I think, you'll find will also be adjusted in a few days to come into line with general closing at ten. Nobody wants to be out after that hour, because, with the streets completely blacked out, and transportation heavily curtailed, it isn't easy to find one's way around—and everybody wants to get home to safety!

Business in the day time is good, but not so hot at night. However this will adjust itself in time. Programs are precisely the same as would have been the case in peace time; American and British features, news-reels and shorts, make up their contents. Two feature bills just as before—nothing has been altered yet.

The film industry here has excellent leaders; CEA and KRS work in unison, and have done a very good job of work in persuading the authorities to re-open kinemas so quickly. The Government officials in their turn, too, have been very helpful.

"Life Goes on Just the Same"

Wardour Street presents a curi-

Vaude, and Cheaper

Chicago — Warner Theater circuit is adding week-end vaudeville to the Symphony Theater shows, at the same time reducing the admissions to 25 and 30 cents.

RCA Promoting Tele on National Scale

RCA is intensifying its efforts to promote television on a national scale by arranging exhibits in department stores and at fairs where hundreds of thousands are expected to see tele shows for the first time. While RCA and other firms have been showing television in New York and at both World's Fairs, this is the first time that a coordinated attempt has been made to demonstrate television on a national scale, particularly in cities where no regular television service is available.

Oklahoma Allied Meets, with Legislation to the Fore

(Continued from Page 1)

eral months under the direction of a special committee headed by Orville Von Gulker, Okeene theater owner and George W. Sumner, theater supply man, the latter as corresponding secretary.

At least 100 indie theater owners from all over Oklahoma are expected for the opening conclave in the Biltmore Hotel here. First address will be that of Col. H. A. Cole of Dallas, proxy of Allied States, who is expected to discuss Allied's legislative drive and the D of J's legal campaign, here and elsewhere.

Convention keynote was struck by a special bulletin to all indies in the state, which, in part, said:

"It is now generally conceded by exhibitors that needed reforms in the motion picture industry can only be secured through legislative means. While there are State and Federal laws regulating monopolistic tendencies of big businesses such as steel, oil, and others, the motion picture producers and distributors refuse to admit that they should be subject to any regulatory laws.

"Passage of the Neely Bill by the United States Senate indicates that the prevailing sentiment of Con-

gress is that the motion picture industry is subject to the same federal regulation as other industries, and that such regulation is vitally necessary for the protection of the independent theater owners and the public.

"The Department of Justice in its filing of suits against the producers-distributors for violating the Sherman-Clayton anti-trust laws, and the Senate in passing the Neely Bill—are seeking to bring about the reforms that will give the independent theater owners the opportunity to conduct his business as he sees fit—not how some film wholesaler believes it should be done."

Adoption of a constitution and by-laws, incorporation of the association and election of officers are set for the afternoon program.

It is also understood that the buying pool plan may also be brought up for consideration before the convention today.

No entertainment events will be staged during the two-day convention.

State Rep. George Miskovsky has been set for a major address tomorrow. He will present a chain store tax bill upon which he has been working for some time. It is understood that this bill's scope will extend to theaters.

Horner to Produce Four Top-Budget Spanish Pix

West Coast Bureau of THE FILM DAILY

Hollywood — Robert J. Horner, general manager of American Pictures, announces that his company will produce four top-budget Spanish pictures for the Latin-American market. The first, "Sabotaje," with Geo. Negrete and Julian Rivero, goes before the camera Oct. 15. Horner is negotiating for the services of Amanda Varela, top femme star from the Argentine.

ous sight, with so many of the big buildings evacuated, but they will all be teeming with renewed activity in a day or two. Life goes on just the same; people visit the kinemas, for the closing down robbed them of their greatest form of entertainment, and now they're flocking back.

Studios, halted in their programs, are going ahead; there will be no repeal of the Quota—that is very certain. The pictures that will be made will definitely be of a light variety—humor will be the keynote, for it's recognized that heavy themes are out.

Staff personnel depleted by war calls, of course, but there are plenty to carry on. Everybody doing their jobs very cheerfully, with a solid and unmoved determination to stop Nazism once and for all. News-reels

Canadian Clearance Board Plan Submitted to Execs.

(Continued from Page 1)

vention of independents held here, have been sent to the general managers of all exchanges in Canada; to Col. John A. Cooper, head of the Motion Picture Distributors and Exhibitors of Canada and to N. L. Nathanson, president of Famous Players Canadian Corporation asking them to join in the formation of such a board, the replies to these requests are expected within a day or two.

will play a big part in showing pictures of the War—all the companies are geared up and well able to do their stuff.

Ministry of Information has appointed a Director of Film Publicity—Sir Joseph Ball—shrewd sensible businessman, whose first contact with the trade was made many weeks ago, and in whom the industry feels it can have the utmost confidence.

To sum up—there has been no hitch anywhere—transport facilities, despite the need for conserving petrol, allow enough traffic for everybody to get around; Railways running with curtailed services, but as efficiently as heretofore. In short, England is carrying on, adapting itself—as it always has done—to war time, or any other abnormal conditions.

FORECAST QUICK RISE IN CANADA'S PIX BIZ

(Continued from Page 1)

people are now finding no more war news via radio than in the newspapers and are turning to the film theaters for entertainment to ease the war strain.

Independents here, reporting attendance almost unaffected by the war, predict sharp increases in the admissions volume shortly.

The Federal estimate of a bumper Canadian wheat crop further indicates business prosperity, with film biz as a result greatly benefiting throughout the Dominion.

S-W Survey of Duals Hints of Policy Change in Philly

(Continued from Page 1)

Zone Chief Ted Schlanger, surveyed the competitive theaters in the Philadelphia area playing duals.

Stanley-Warner theaters here do not play double features as a policy, although some S-W neighborhood houses have been experimenting with duals at a single showing on the "big three hour show" plan. Many houses competitive to S-W use doubles more or less regularly.

Essaness Signs New Deal With Republic for '39-40

Chicago—Republic Pictures closed a deal here yesterday with the Essaness Theater Circuit by terms of which latter's 27 houses in the local territory will play the 1939-40 product of Republic.

James R. Grainger, Republic's president and general manager in charge of distribution, who entrains here Tuesday night for New York, represented his organization in the pact, together with Irving Mandel, local franchise holder, and Harry Lorch, Chicago branch manager.

Edwin Silverman and James Booth handled negotiations for the circuit.

Republic's home office announced yesterday conclusion of arrangements for company's serial "Dick Tracy's G-Men" to play Loew's Metropolitan houses. The Paradise and Valencia started running the attraction on Sept. 16. Other stands will start Sept. 30.

Leo Atanasoff Dead

Milwaukee, Wis.—Leo Atanasoff, 51, part owner of the World theater at one time, died here. Besides four brothers, Atanasoff is survived by his wife.

That Twin Urge

Laconia, N. H.—While most other movie theaters boast only their twin bills, the Colonial here has twin ushers. They are Irene and Eileen Clement.

THE FILM DAILY

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V. 76, NO. 61

NEW YORK, WEDNESDAY, SEPTEMBER 27, 1939

TEN CENTS

Michigan Allied's President Calls for Code Revival SURVEY SHOWS BUSINESS OUTLOOK IS BRIGHTER Censorship of War Pictures Will be Sought in Congress

Thomas's Proposed Amendment to Neutrality Act to Cover War Films

Washington Bureau of THE FILM DAILY

Washington—National censorship of all films dealing with war subjects may be in the offing under terms of an amendment to the neutrality act to be introduced by Senator Elmer Thomas (D. Okla.), it was revealed yesterday.

His amendment, not yet drafted, will call for a federal censorship board to pass on all war pictures, including newsreel shots of war activities, Senator Thomas told THE FILM DAILY yesterday. The proposed national board would work in close

(Continued on Page 4)

COLE AT OKLA. ALLIED MEET URGES CHAIN TAX

Okahoma Cilty—Col. H. A. Cole, national Allied prexy, addressing the sparsely-attended meeting of Oklahoma Allied here yesterday, spoke on Allied policies, the Neely bill and Oklahoma's proposed chain store (and theater) tax bill. Passage of the Neely bill, he said, would break up the block-booking system so that again there would be a worthwhile surplus of film on the market.

Commenting on State Representa-

(Continued on Page 4)

D of C's Amusement Census Will Start on January 2

Department of Commerce's Bureau of Census will launch its third survey of the amusement industry, including films, on Jan. 2, it was

(Continued on Page 4)

SWG Answers Goldwyn; Asks Domestic Revenue Facts

West Coast Bureau of THE FILM DAILY Hollywood — Answering Samuel Goldwyn's request that he be represented on a fact-finding committee to study the European war's effect on

(Continued on Page 4)

French Production to Resume Next Week; Activities to be Centered in 4 Studios

Paris (By Cable)—French production in all probability will get the "go ahead" signal next week, it was said here yesterday.

In all probability, production activities will be restricted to studios outside of Paris, and, it is expected, will be centered in four studios.

Program, it is understood, calls for a weeding out of minor films, with attention centered upon films with both entertainment and propaganda values for the domestic and export markets.

ITO OF W. VA. VOTES FOR THE NEELY BILL

Clarksburg, W. Va.—First annual convention of ITO of West Virginia opened here yesterday at the Waldo Hotel, R. H. Heihle, presiding, with 60 members attending. Business session was called to order at 1:30 P.M. with reading of the first annual report of the secretary and treasurer and the legislative committee.

After a discussion of the Neely

(Continued on Page 8)

Westinghouse's Feature Offered to Exhibs. Free

Westinghouse, through Modern Talking Picture Service, Inc., will seek theatrical exhibition of its new five-reel, all-Technicolor pix, "The Middleton Family at the World's Fair," it was learned yesterday.

Pix will be offered to exhibs. with-

(Continued on Page 5)

"U'S" NEW CONTRACT BIZ RUNS 60% AHEAD

As an indication of the general upswing in business throughout the Midwest and West, Universal's new season contracts are running 60 p.c. ahead of the same period last year, according to William Heineman, Western division manager, who has just returned from a tour of his territory and the studios. Heineman said yesterday that there ap-

(Continued on Page 4)

Soviet Closes "U" Deal for Deanna Durbin Film

Universal's Deanna Durbin pix, "One Hundred Men and a Girl" has been bought for showing in the Soviet Union by Intorgkino, international film trading company of the U.S.S.R.

The transaction was concluded by

(Continued on Page 5)

Ray Branch, Michigan Allied's Prexy, Believes Trade Code Can be Salvaged

17 New Pictures Starting On the Coast This Week

West Coast Bureau of THE FILM DAILY Hollywood — Seventeen pictures are scheduled to start before this week ends. The roster:

At Columbia: "Street of Missing

(Continued on Page 5)

By H. F. REVES
FILM DAILY Staff Correspondent

Detroit—Expressing keen disappointment over the loss of the proposed Trade Practice Code, Ray Branch, president of Michigan Allied, yesterday advocated further consideration of a fair trade practice formula and asserted that the distributors again could sit down and

(Continued on Page 5)

Second Film Daily Survey Covers 18 Key Centers Throughout U. S.

General American business picture continues to brighten, holding out further assurance of improving theater grosses during the Fall and Winter.

This is clearly established by the second in a series of reports covering a survey of 18 key centers throughout the nation, conducted by THE FILM DAILY through a large independent research organization as a service to the industry.

While the reports directly reflect theater business in instances, the purpose of the survey is to spot-

(Continued on Page 8)

ALL ARMS OF TRADE AT LAEMMLE FUNERAL

West Coast Bureau of THE FILM DAILY

Los Angeles — Members of all branches of film industry joined in paying tribute to Carl Laemmle, Sr. at funeral services yesterday at the Wilshire Blvd. Temple B'nai B'rith.

In telling of Laemmle's countless acts of charity and kindness, Rabbi Edgar F. Magnin described him as a "little man" who was a "big man." He recounted Laemmle's work in aiding refugees and declared that in

(Continued on Page 5)

Local Observances Next Week as Jubilee Climax

Local observances in all parts of the country next week will climax the celebration of motion pictures' 50th anniversary, according to re-

(Continued on Page 5)

U. S. Movie Critics Will Convene on March 2-4

Memphis—First national convention of the Newspaper Film Critics of America, comprising film editors and critics of the daily press, will

(Continued on Page 5)

THE FILM DAILY

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	113 3/4	111 1/8	111 1/4	
Col. Picts. vtc. (2 1/2%)	7 1/4	7	7 1/4	.....
Columbia Picts. pfd.	17 1/2	17 1/2	17 1/2	- 3/8
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	.....
Con. Fm. Ind. pfd.	9 1/8	9	9 1/8	+ 1/4
East. Kodak	158 3/4	158	158 1/4	+ 1/4
do pfd.	.....	.....	.....	.....
Gen. Th. Eq.	9 1/4	9	9	.....
Loew's Inc.	33	32 3/8	33	.....
do pfd.	.....	.....	.....	.....
Paramount	7 1/8	7	7 1/8	+ 1/8
Paramount 1st pfd.	76	75 1/2	75 1/2	- 5
Paramount 2nd pfd.	8 3/8	8 1/8	8 1/4	+ 1/8
Pathe Film	12 1/2	12	12	.....
RKO	13 1/2	13 1/2	13 1/2	.....
20th Century-Fox	13 3/8	12 7/8	13 1/8	- 1/4
20th Century-Fox pfd.	.....	.....	.....	.....
Univ. Pict. pfd.	.....	.....	.....	.....
Warner Bros.	4 1/8	4	4 1/8	+ 1/8
do pfd.	.....	.....	.....	.....

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	100 1/8	100 1/8	100 1/8	+ 1/8
Loew's deb. 3 1/2s46	93 1/2	93 1/2	93 1/2	+ 1/2
Para. B'way 3s55	.....	.....	.....	.....
Para. Picts. 6s55	.....	.....	.....	.....
Para. Picts. cv. 3 1/4s47	78	77	77	- 2
RKO 6s41	.....	.....	.....	.....
Warner Bros. cv. 6s39	.....	.....	.....	.....
Warner Bros. db. 6s48	80 1/2	80	80 1/2	+ 1/4

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	.....
Sonotone Corp.	13 1/2	13 1/8	13 1/8	+ 1/8
Technicolor	11 1/4	11	11 1/4	- 1/8
Trans-Lux	.....	.....	.....	.....
Universal Corp. vtc.	3	3	3	.....
Universal Picts.	.....	.....	.....	.....

B & K Employees to Elect

Chicago — Election of delegates from the various B & K theaters to the B & K Employees Association, will take place today.

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SECURITY

Film Alliance Has 25-Pix Backlog, Says Wachsberger

Film Alliance of the U. S., Inc., has an immediate backlog of some 25 features which it will release during the current season here, it was asserted by Nat Wachsberger, company's vice-president and general manager, at the screening yesterday afternoon in the Waldorf-Astoria of "The Challenge."

The company, in which Harry Brandt is interested, will distribute its product nationally via key city exchanges now being selected, and 15 such distribution points have already been selected. A deal is expected to be concluded within a week whereby Film Alliance will utilize Broadway's Central theater for the U. S. premieres of its more important French imports.

Product to come includes "Second Bureau," made in England and dealing with counter espionage service; a Danielle Darrieux production; "The Pirate," starring Charles Boyer; "Citadel of Silence," with Annabella in the top role; "The Deserter," with Jean Pierre Aumont and Corinne Luchaire; "Hostages," with Annie Vernay; "Sunset In Vienna," the Herbert Wilcox production, starring Tullio Carminati and Lilli Palmer; "Cavalcade of Love," with Simone Simon; and an Edgar Wallace mystery, plus others.

All but two of these listed pictures have been completed. Wachsberger said, one of which is the Bover attraction. Work is expected to be resumed on it in France next week.

Film Alliance's line-up will consist, it was stated, of about nine British pix, the remainder coming from French studios.

Philly Allied Unit Mulls Effect of War on Grosses

Philadelphia — Discussion of the European war and its effect on current box office product highlighted the meeting of Allied Independent Theater Owners of Eastern Pennsylvania here yesterday. Sidney Samuelson, business manager, compared the situation today with 1914 and said in his opinion that the box office would not benefit as in 1914. He surveyed reports of product as affected by the war's development and the effect on 1939-1940 contracts. Other business was routine.

UA to Have Three Running on Broadway at Same Time

With "Intermezzo, A Love Story" opening at the Radio City Music Hall on Oct. 5, and "Eternally Yours" starting an engagement at the Roxy the following day, UA will be represented in three of New York's major theaters at the same time. Samuel Goldwyn's "The Real Glory" continues for an indefinite run at the Rivoli.

Three B & K Theaters Now Using Triple Bills

Chicago—Fall pix season has brought an increase of triple feature programs here, number of houses using them rising to nine. On the other hand, theaters using premiums show a drop to 20.

Balaban & Katz is using triples at the Belmont, Crystal and Biltmore theaters on the northwest side, while the Essaness circuit is using them at the North Center and Davis theaters. The North Center theater also offers premiums in addition to the triple feature bills.

Take Plaintiff's Deposition in Millinocket Trust Case

Bangor, Me.—Deposition of Frank Le Page of Millinocket Theaters, Inc., plaintiff in anti-trust suit against the majors and Samuel Kurson theater interests, was taken here yesterday by the defendant distributors.

Attorneys go to Portland tomorrow to obtain deposition of Clarence Millett in a similar litigation.

George S. Ryan, attorney for both theatermen, arrived in Portland yesterday.

National Screen Service, Warners Talking New Pact

Following notice issued by the home office to Warners' theater managers to hold up ordering trailers from National Screen Service from Sept. 23 on, it was learned yesterday that a new contract is being negotiated between the circuit and NSS.

Major Circuits In Pact With Cleveland Local

Cleveland—The major circuits in Cleveland have just concluded a one-year contract with Local 160 operators. The previous scale prevails and there is no change in working conditions. It is assumed that the stage hands also continue under terms of last year's contract.

Russel Birdwell Named S-I Publicity Counsellor

West Coast Bureau of THE FILM DAILY

Hollywood—Russell Birdwell has been appointed publicity counsellor for Selznick International. The publicity department will be formed at Selznick International studios and will be under Birdwell's direction.

Gibbons Funeral Today

Washington Bureau of THE FILM DAILY

Washington — With a requiem mass in Dahlgren Chapel, Georgetown University, and private services at Gawlers Funeral Parlors, last rites for Floyd Gibbons will be held today. Interment will take place in Mount Olivet cemetery here.

COMING AND GOING

GEORGE J. SCHAEFER, RKO prexy, is scheduled to leave for Hollywood this week-end.

CHARLES GLETT is due back from the Coast this week-end.

J. J. SULLIVAN, senior film buyer for National Theaters, has returned to the home after a vacation.

WILLIAM A. SCULLY, Universal sales chieftain, returns today from Boston.

JAMES R. GRAINGER, president of Republic and general manager in charge of distribution, returns today from a trip to Chicago and St. Louis.

JOSEPH BERNHARD, Warner theater chieftain, returned to New York yesterday from Washington where he held meetings with zone manager John Payette and his staff.

CONRAD KREBS, national contact man for RKO studios, is in New York, returning to the Coast tomorrow.

WESLEY HUSS, president of Associated Theaters, Ohio, has returned to his Cincinnati headquarters after a Canadian vacation.

E. F. BRADY, Interstate associate in Texas, and GEORGE L. THORNTON, treasurer of the Wilder circuit, Va., have been visitors at the Paramount World's Fair Lounge this week.

EUGENE SOLOW, writer, has arrived here from Hollywood. He recently did the script for "Of Mice And Men."

LEWIS MILESTONE is expected here in about two weeks from the Coast.

SIMONE SIMON is en route to this country from France.

BRUCE CABOT is expected here from England the early part of October.

KARL HAJOS, producer of "Melody Puzzles," has arrived in New York from the Coast and is stopping at the Edison Hotel.

Serlin to Produce Legit. After Lapse of Nine Years

Oscar Serlin, former head of Para.'s talent department and later a Selznick International co-producer, is returning to Broadway production after nine years and will open "Life with Father" Nov. 8 at a theater to be announced later. Serlin supervised production of the current documentary, "The City."

Postpone Adelphi Case

Chicago — The Adelphi Theater clearance case before Federal Judge James Wilkerson was postponed yesterday until Nov. 14 by agreement among counsel. The court will rule on limiting depositions required and striking certain portions of complaint.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 27

Edmund Burns
Gaston Wyler

MONDAY and TUESDAY

OCTOBER 2 and 3

(Date set locally by each exchange)

**GALA THEATRE
PREVIEWS OF**

**HOLLYWOOD
CAVALCADE**

**FOR LEADING EXHIBITORS
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HAVE YOU MADE YOUR RESERVATIONS?



THE KEYSTONE OF YOUR FUTURE

"U'S" NEW CONTRACT BIZ RUNS 60% AHEAD

(Continued from Page 1)

peared to be no holding back on the part of exhibitors in buying the new program.

The picture business, he said, was beginning to feel the effects of the general upswing of industry, especially in his division. Re-employment and the sudden strong activity in the manufacturing centers were reflecting on grosses and he predicted a boom year for motion pictures. Executives in other lines of business, Heineman said, anticipate the lifting of the arms embargo and are preparing for it with increased operations.

Heineman was enthusiastic over the reception given to the so-called "uncensored" version of "All Quiet on the Western Front." He said that while the St. Louis Theater, St. Louis, was given the credit for reviving the picture and proving its box-office merit, in reality the credit goes to a small theater in a small town near St. Louis. This theater, he said, booked the picture on a hunch, because of the European crisis, on a flat rental of \$30. The house did a gross business of \$700 for two days, Heineman said, adding that top pictures rarely drew more than \$350 or \$400. That incident opened the eyes of Universal executives as to the picture's possibilities as a re-issue.

The first two theaters to play "All Quiet" in its new dress were the Adams in Detroit and the Rivoli in Toledo where normal business was reported to have been tripled over the week-end.

D of C's Amusement Census Will Start on January 2

(Continued from Page 1)

disclosed yesterday by F. A. Gosnell, chief statistician, Census of Business, 1939.

The enumeration will be completed in June, next, and it is anticipated that at least the basic facts will be available late next Summer. Type of information to be collected is essentially the same as in the preceding surveys, and all information in individual reports is confidential and used for statistical purposes only. Approximately 50,000 theaters and other places of amusement will be checked.

Specimen census report lists five general headings: Description of establishment, kind of business, total operating receipts, proprietors, firm members and members of family, and employment and payroll.

Hard Luck Guy

Lincoln, Neb.—Bob Livingston, exhib. at the Capitol here, is a hard luck guy. Not only was it necessary for him to go out and borrow an adding machine to figure "his losses," but in toting it upstairs, he stumbled and threw his back out of joint. What's more, he said, it had to be a bone he couldn't even spell. It was his sacroiliac.

ALONG THE



WITH PHIL M. DALY

● ● ● TOMORROW, the legions of AMPA...will be clarioning an amended version of Fred Allen's battle-cry....."It's Town Hall Tonight!".....by shouting "It's Stouffer's Restaurant Today!".....for at 12:45 on the button and at the aforementioned edifice of epicureanism (5th Ave. and 44th St.).....there will be a lot of "buck" passing..... for that is the tariff.....and the organization's Fall Season will be under way.....Too, there will be pleasurable gnashing of teeth on the tid-bits.....plus the vibrating of palates as speaker wisecracks are unleashed.....in addition to more substantial entertainment.....Twill be "Past President's Day".....the former execs. promising to be more numerous on the dais.....than the French peas in Stouffer's commissary..... Among the erstwhile prexies present.....to "grind" their own meal.... will be Arthur James, P. A. Parsons, Paul Lazarus (the original), John C. Flinn, Glendon Allvine.....George Harvey, Edward Klein, Hal Horne, Bill Ferguson, Gordon White, Ralph Rolan.....et al....."et" being very vulgar for having eaten.....

● ● ● OUT of RKO.....wisepeth word that several of the nation's showmen.....who have visited the company's local World's Fair exhib. lounge.....have confessed to making investment in athletic teams.....as a theater promotion factor..... Ed Mills is one.....He operates the Strand and Star Theaters in Wadsworth, Ohio.....For some time he has admittedly backed a bowling team of an industrial league.....and found the scheme a biz aid.....We hope this promotional subsidizing doesn't take hold on too great a scale this Autumn in the industry at large..... for it will be very confusing in the realm of intercollegiate football..... You won't know, as teams trot on the gridiron.....what insignia mean.....UA might be United Artists instead of the University of Alabama.....LS could easily be misconstrued as Loew's State instead of Louisiana State.....M may not be Michigan, at all, but Monogram.....Upsala might "initially" be interpreted as Universal.....R for Republic instead of Rensselaer.....and even on the banks of the Charles, pigskin fans would have to ask one another if H still meant Harvard or Hoffberg.

● ● ● TURNING to matters more weighty.....Marvin Schenck and Ben A. Boyer.....associate chairmen of the forthcoming "Night of Stars" to be held in Madison Square Garden on the night of Nov. 15.... for the benefit of Jewish refugee settlement in Palestine....announced yesterday that Don Albert was selected to fill the post of musical director.....and Sidney Piermont as stage manager.....for the mammoth show.....

● ● ● THIS is the open season for screening.....and there's no scarcity of game.....Yesterday the met. and trade press critics took a good look-see.....at "The Challenge".....which the Film Alliance of the U. S. exhibited in the Waldorf-Astoria.....Today Westinghouse presents "The Middleton Family At The New York World's Fair".....in the Waldorf's ballroom.....and on Tuesday, 20th-Fox is having the members of the Motion Picture Pioneers.....as special guests at the trade showing of "Hollywood Cavalcade".....in the Ziegfeld Theater... ● Lillian Gish, take a bow!.....for being named winner of the 1939 award.....by N. Y. U.'s m.p. study division.....because of your great film achievements.....and historical scenarios anent the growth of the cinema.

COLE AT OKLA. ALLIED MEET URGES CHAIN TAX

(Continued from Page 1)

tive George Miskovsky's Monday address on his retail chain store tax bill and State Representative William High's yesterday's talk on the subject, Cole stated that \$500 per theater was the best chain tax, or a gross receipts tax taking an aggregate of grosses of all theaters in a circuit combined.

Col. Cole told his audience of 11 Oklahoma independent exhibitors, augmented by a small delegation from Texas, that the biggest industry problem today is the re-creation of a buyers' market rather than a sellers' film market, such as exists now. Few exhibitors, he asserted, know their own rights and need local Allied units to direct them.

Dean A. B. Adams, head of the University of Oklahoma Business School, also broadcast over KOMA, traced the history of monopoly. He said the trouble now is that courts cannot prevent monopolies, can only punish after they are formed. He cited the motion picture industry as an example of monopoly eliminating small business. He proposed that Congress pass an act regulating industry similar to the SEC act; a Federal motion picture commission to administer it; state laws on divorce; an independent buying pool and taking the exhib.'s cause to the public.

Dr. W. B. Bizzell, president of the University of Oklahoma, spoke on visual education.

Censorship of War Pictures To Be Sought in Congress

(Continued from Page 1)

co-operation with state censorship boards, Thomas said. "All war pictures should be passed by a national board to prevent propaganda and inflaming of the public mind," Thomas asserted. He added that his amendment will also cover radio programs, such as the Orson Welles "war scare" broadcast.

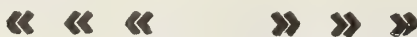
SWG Answers Goldwyn; Asks Domestic Revenue Facts

(Continued from Page 1)

pix revenues, the Screen Writers' Guild executive board wrote him in reply declaring the Guild wishes to get facts regarding a likely increase in domestic revenue on films. The Guild asserts that such an increase has been predicted. The organization agrees with Goldwyn that there should be co-operative action to investigate war's effect on the world's revenue from pictures.

War Casualty

Detroit — The Trieste Film Exchange, operated by Paris Bucci and Patsy Quaglia, distributing Italian, German, and Polish films, has been closed.



MICH. ALLIED PREXY URGES CODE REVIVAL

(Continued from Page 1)

"bring order out of chaos." His remarks were the first in favor of the Code to come from an Allied leader. Branch's pre-convention comment (Michigan Allied holds its annual conclave in Kalamazoo next week) created a sensation here.

"I feel keenly disappointed that we lost the Code," he said. "Surely the speculative loss to the distributor or producer would be small compared to the losses sustained without a Code. I believe they speculate too much on possible losses and too little on probable gains. They will tell you that they are giving everything, but the fact remains that we have nothing to give; they have it all now."

Branch stated that the distributor representatives approached the problem sincerely. He said he believed the same group could again sit down and work something out, adding that "every man is big enough to forget the unpleasant exchange of words and complete the job."

"This came the nearest to anything ever attempted to correct the evils of the industry," he continued, "and it is high time that another field of talent be explored for men who can and will write the document; and the rank and file of exhibitors will insist such a document be written."

Westinghouse's Feature Offered to Exhibs. Free

(Continued from Page 1)

out charge, but there will be no pay off to exhibs. showing it, it is understood. Theatrical presentation of the film will precede its availability to other exhibition avenues.

The film, produced by Audio Productions for Westinghouse and Fuller and Smith and Ross Agency, is held by MTPS to be a logical offering to circuits and exhibs. because (1) the supply of Technicolor pix is not sufficient to meet exhib. demand, and outlets, particularly in the "hinterlands," are regarded as a definite source of playing time, and (2) that a great section of the public in the more removed locale of the nation have not yet seen the New York World's Fair, colorfully depicted in the film.

MTPS has set a special screening of "The Middleton Family at the World's Fair" for 4 p.m. today in the ballroom of the Waldorf-Astoria.

Soviet Closes "U" Deal for Deanna Durbin Film

(Continued from Page 1)

D. Vassiliev, President of Amkino Corp. of New York, on behalf of the Soviet clients. This is the first purchase of an American film by a Soviet company since 1936 when Chaplin's "Modern Times" and "City Lights" were bought for Soviet distribution.

U. S. Movie Critics Will Convene on March 2-4

(Continued from Page 1)

be held on March 2-4 in a city yet to be selected, although Memphis is bidding for the conclave, it was announced here yesterday by Harry Martin of the Commercial Appeal, chairman pro tem.

The Planning Committee—Harry Martin of The Memphis Commercial Appeal, chairman pro tem; Buck Herzog of the Milwaukee Sentinel, secretary pro tem; Keith Wilson of the Omaha Word-Herald; and Potter met in Chicago last week and worked out a skeleton Articles of Association to be submitted at the March meeting. The Articles call for the election of a board of governors to be chosen on a regional basis, the board in turn to name the national officers. A temporary board is being lined up by appointment of the Committee to serve until an election can be held in each region.

Merle Potter, m.p. editor of the Minneapolis Times-Tribune, will serve as general chairman of the NFCA committee to poll its membership on the best films and performances of the year. Committee personnel will be named shortly. Potter is dropping his own yearly poll.

Local Observances Next Week as Jubilee Climax

(Continued from Page 1)

ports of the Golden Jubilee committee. Week-end newsreels will include the visit of Will H. Hays to the Edison laboratories in West Orange, N. J., to pay the industry's tribute to Thomas Edison's memory for his contribution to the development of the motion picture.

The committee has prepared a radio script containing background material for local broadcasts. Another has been prepared for the use of local chairmen of the various state Federations of Women's Clubs.

The New York public library will exhibit a motion picture collection, beginning Monday.

Jack Snyder, Veteran Lab. Man Dies in Hollywood

West Coast Bureau of THE FILM DAILY

Hollywood—Jack Snyder, veteran laboratory man and general sales manager of Cinema Laboratories, Inc., died yesterday of a heart attack. Before coming to California in 1923 to join Bennett Film Laboratory, he was with Republic Laboratory in New York.

In 1936 he left Consolidated Film Laboratories, which had taken over the Bennett plant, to join International Cinema Laboratories which later became Cinema Laboratories, Inc.

Funeral services will be held tomorrow morning at 11 o'clock at Edward Bros. Mortuary.

Free—Free—Free!!!

Kenosha, Wis.—What with the Lincoln Theater here advertising free beverages and the Vogue free carving and kitchen utensil service, the Roosevelt topped them all by carrying a box in its newspaper advertising reading. "FREE—Large auto park opposite theater."

17 New Pictures Starting On the Coast This Week

(Continued from Page 1)

Women" with Ann Dvorak and Preston Foster.

At Paramount: "Road to Singapore," starring Bing Crosby, with Bob Hope and Dorothy Lamour; "Gun Chores," a Harry Sherman production with William Boyd, Russell Hayden, June Clayton.

At RKO: "Legion of the Lawless," starring George O'Brien.

At M-G-M: "Secret of Dr. Kildare" with Lionel Barrymore and Lew Ayres; "Nick Carter" with Walter Pidgeon, Rita Johnson, Henry Victor, and Donald Meek; "A Call on the President" with Ann Sothorn, William Gargan, Marsha Hunt, and Walter Brennan.

At 20th Century-Fox: "Little Old New York," starring Alice Faye and Richard Greene, with Fred MacMur-ray.

At Warners: "Enemy Within," a secret service story, with Ronald Reagan, Eddie Foy, Jr., John Littel, and Lya Lys; "The Sea Hawk," Technicolor production starring Errol Flynn, with Olivia de Havilland, Geraldine Fitzgerald, Donald Crisp, and Alan Hale; "Brother Rat and the Baby," with Eddie Albert, Wayne Morris, Jane Wyman, and Ronald Reagan; "Dr. Ehrlich," starring Edward G. Robinson.

At Republic: "Robin Hood of the Tecos," with Roy Rogers.

At Monogram: "Overland Mail" with Jack Randall; "Heroes in Blue" with Dick Purcell; and a Boris Karloff vehicle, "Mr. Wong at Headquarters," with Karloff, Grant Withers, and Marjorie Reynolds.

Producers Distributing Corporation starts, "Hitler—Beast of Berlin."

ALL ARMS OF TRADE AT LAEMMLE FUNERAL

(Continued from Page 1)

all parts of the world the motion picture pioneer was being mourned.

"He had a smile that was a reflection of his sweet soul," said Rabbi Magnin. "There was nothing of the snob or any arrogance about him; he remained simple and plain."

He further praised his Americanism and great love of his family. He declared that Laemmle had "made" stars, directors and executives but with his power he also had consideration for the lowliest studio worker.

Among Laemmle's early day associates who attended the services were Herbert Rawlinson, Charley Murray, George Sidney, Hank Mann, Murdock MacQuarrie, Joseph I. Schnitzer, M. H. Hoffman, Nate L. Manheim, Nat Rothstein, Paul Kohner, Henry MacCrae, Robert E. Welsh, George Mann, Henry Henigson, Edna Mason, William Wyler, E. H. Goldstein, Hugh Hoffman, Frank Lawrence and Hugh Zehner.

3 Pacific Coast Exhib. Units Form a New Organization

West Coast Bureau of THE FILM DAILY

Hollywood—Independent Theater Owners Ass'n of Southern California, Nevada and Arizona, Motion Picture Theater Owners of Northern California and Nevada, and the MPTO of the Pacific Northwest have formed Pacific Coast Conference of Independent Theater Owners with Robert H. Poole as temporary executive secretary.

Purpose of the new organization is to improve conditions of independent operators in the Pacific Northwest territory, but no booking combine is in contemplation.

The new organization's affairs will be administered by a board of two trustees from each of the exhibitor bodies. Hugh Bruen, Jack Y. Ber-man, with Mrs. Jennie Dodge as alternate, will represent the Southern California organization; L. O. Lukan and Will Ripley will represent the Pacific Northwest body.



Designed and priced for theatres
of every size!

New RCA PHOTOPHONE
MAGIC VOICE of the SCREEN

with Rotary Stabilizer—plus SHOCK-PROOF DRIVE

ENABLES YOU TO PRESENT THE KIND OF
SOUND YOUR CUSTOMERS WANT TO HEAR

Better sound means better box office—and RCA Tubes
mean better sound

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BY EXHIBITOR DEMAND

NOW...TO EVERY AMERICAN

More gripping...more meaningful...greater...TODAY!

FREDRIC
MARCH · BAXTER

LIONEL
BARRYMORE

THE ROAD TO GLORY

with
JUNE LANG · GREGORY RATOFF
Directed by Howard Hawks • Associate Producer Nunnally Johnson
Screen play by Joel Sayre and William Faulkner
Darryl F. Zanuck in Charge of Production



20th
CENTURY
FOX

New PRINTS...new PAPER...new TRA



...MORE VITAL THAN EVER!

The only **REAL** scenes of the "war to end war"... authentic!... official!... from the secret and guarded archives of great nations! What actually happened in all its gory brutality... as it is happening again!

THE FIRST WORLD WAR

Edited by
LAURENCE STALLINGS

Produced by
TRUMAN TALLEY
(in association with Simon & Schuster)

...ERS ... new CAMPAIGN MATERIAL!

BIZ PICTURE OUTLOOK IS FOUND BRIGHTER

(Continued from Page 1)

light the prevailing industrial conditions on the assumption that industrial prosperity is the best key to potential increases in grosses.

Summarized, the survey reports follow:

CHICAGO—Steel mills of Indiana reported an increase and are now running 71 per cent of capacity. Market conditions generally have been affected by war news and prices have been higher. Box office has continued its exceptional gains over early summer months.

DETROIT—Retail sales advanced along a broad front maintaining a 12 per cent to 13 per cent margin over last year. Wholesale activities in general held at a point 12 per cent to 14 per cent above the comparable 1938 week. There is a general feeling of optimism in this center. Box office is naturally affected.

CLEVELAND—Steel production went up to 83 per cent of capacity. This is within ½ of 1 per cent of the highest mark of the year. Everything but employment registration shows a cumulative gain for this year over last.

PITTSBURGH—Business in the Pittsburgh district continued to rise again this week gaining 2½ points and stood at 96.9. Thousands of men will return to work within the next two weeks, and the theater men are feeling much happier because this territory is easily affected by the employment situation. Orders are pouring in for steel, and all orders are almost exclusively from domestic consumers who fear shortages in their own fields.

MILWAUKEE—Indications point to an increase in local business in general. The A. O. Smith Corp. hired an additional 600 employees this week. Allis-Chalmers Corp. hired an additional 500. Some of these people have been idle for 2½ years. Because this entire territory is largely industrial, the trend of business seems to depend upon the decision of Congress as far as "cash and carry" selling to foreign nations is concerned. It is believed, that should Congress decide to sell foreign nations on this basis, a tremendous increase in business would take place in this territory within the next 30 to 60 days.

CINCINNATI—On Sept. 1, 1938, this city's business index stood at 19 per cent below normal, but as of Sept. 1 this year it stood at 14

"I Love a Parade"

Chicago—The "Oomph" Girl, Ann Sheridan, marched at the head of the American Legion parade here yesterday and was given a tremendous ovation by the crowds who were reported to have broken through the police lines to greet the Warner Bros. star.

Shirley Temple on Air to Aid MPRF

West Coast Bureau of THE FILM DAILY

Hollywood—Shirley Temple will make her radio debut on the Screen Guild Show to be broadcast from Hollywood on Sunday afternoon, Dec. 24, at 4:30 p.m., it was announced yesterday by Jean Herholt, prexy of the MP Relief Fund, and James Roosevelt, Goldwyn vice-prexy and member of the Fund's executive committee. Co-operation of 20th-Fox and the star's parents made the arrangements possible. Offer of \$35,000 for Shirley's appearance on another Christmas Eve program was refused. Star will do a scene from 20th-Fox's "The Blue Bird" and may sing as well.

ITO of West Virginia Votes in Favor of the Neely Bill

(Continued from Page 1)

bill and the Code by Abram F. Myers, the members voted in favor of the Neely bill.

The following officers were elected for coming year: President—Richard D. Marks of Clarksburg; Vice-President—George Sallows of Morgantown; Treasurer—Garland West of Buckhannon; Executive Secretary—I. D. Davis of Lumberport.

The banquet was held at 7 P.M. with George Sallows as toastmaster. Address of greeting was made by the Hon. L. B. Davison, city manager of Clarksburg. Other speakers were Abram F. Myers and Edward Golden, vice-president of Monogram Pictures. A motion picture ball was held in the evening with a golf tournament for those attending the convention to be held today at the Clarksburg Country Club, with Richard D. Marks, newly elected president, in charge.

The "little fellow" in business must not be destroyed and must be en-

per cent above normal.

INDIANAPOLIS—General business conditions throughout the Indianapolis territory are very satisfactory.

BOSTON—General business is above average; the retail stores have since Labor Day, shown an increase over last year, and from all indications, this business will continue good at least until Christmas. Department store index here, is a good key to the motion picture grosses, because of centralized locations. The New England manufacturers look forward to the passage of Roosevelt's "cash and carry" plan on war commodities, as this together with the large surplus of credit money that is available, places them in a very secure position.

ST. LOUIS—Local branch managers are optimistic about fall grosses, expecting the theaters to benefit rather than suffer because of the war. Optimism also prevails among the advertising men. "The Rains Came" opened its first-run here to considerably better than average for opening day. This, despite the fact that the temperature was 109 in the shade.

SAN FRANCISCO—General business locally was heartened this week by the awarding of \$20,000,000 in ship building contracts which will employ 3,000 men for an indeterminate length of time.

SEATTLE—Prospects are favorable. Grosses are very encouraging.

couraged to carry on, Edward A. Golden, Monogram vice-president, said in his address.

"You as independent exhibitors and we as producers who represent independent interest have much in common," Golden said, "and it is time for us to take stock of our individual positions.

"As members of an organization, you have left too much for your leaders to do. I have seen those leaders work and I know what they can accomplish for your good when they have your support."

Golden asserted that it didn't take a panic to make Monogram realize the basic qualities which audiences the country over want. Monogram, he said, has been proud to be identified as the "bread and butter" company, the company which concentrates on "staples" for the American market.

Byrd Takes Classic

Cincinnati—Herb Byrd, Ohio theater, Dayton, and former prexy of Dayton Variety Club, has taken over the Classic, formerly operated by Carl Anderson, deceased.

Many industries are stepping up their production in this territory.

DALLAS—Theater grosses and general business conditions have had a turn for the better in this territory. Retail business has shown a sharp increase.

SALT LAKE CITY—Conditions show improvement and especially so in the agricultural areas, which are now harvesting their fruit and vegetables.

MEMPHIS—Prospects are looking better. Grosses in very small cities not even on the map are unusual. Looks like business in general in the mid-south has increased. Prospects for the Fall season look excellent.

ATLANTA—Department stores report an increase up to 20 per cent over this same period last year.

OKLAHOMA CITY—From now on through the balance of the year theater business should be very good. Grosses are showing improvement since the oil wells were reopened. Business as a whole has shown an improvement, although the crops are badly in need of rain since the middle of August.

PORTLAND—Strikes in the lumber industry may hurt business, although the general business outlook is good. Motion picture business for the future looks very good.

NEW HAVEN—General business is picking up and the opinion is that it will be much improved in the next few weeks.

TRADE EXECS. MOURN PASSING OF LAEMMLE

As last rites for Carl Laemmle, Sr., were held on the West Coast yesterday, there came further expressions of grief on his demise from leading industry figures. Among them were:

L. J. Schlaifer: "Carl Laemmle was one of the most beloved men this industry, or any other industry, has ever known. From Coast to Coast, to thousands of exhibitors—and, in fact, all over the world—the name of Carl Laemmle was a symbol of friendship and fair dealing. He was my personal friend, and I worked with him for many years. His passing leaves this industry minus one of its truly great leaders."

Harry L. Gold: "The birth of the motion picture industry and its subsequent success can be laid squarely at the door of Carl Laemmle—a man, who, for almost thirty years, made his life's work the building of the great amusement industry. Everything we have today, we owe basically to 'Uncle Carl.' Long may his memory be revered in this industry."

George W. Weeks: "The film industry would not have been what it is without the personality of Carl Laemmle. Truly a pioneer, his colorful career and achievements form a vital part of the heritage of all who labor in Filmdom."

David Bernstein: "Carl Laemmle was a lovable character and an inspirational pioneer in the motion picture industry."

Y. Frank Freeman: "Hollywood owes a great debt to the man whose standing in the community is best indicated by the fact that everybody called him 'Uncle Carl.' Even among that courageous band of pioneers who laid so well the foundation for today's great industry, Carl Laemmle was outstanding."

A. Montague: "I was terribly grieved and shocked to learn of the death of Carl Laemmle. It seems that when we refer in discussion or thought to this industry it is always with the opinion that Mr. Laemmle played one of the most important parts in the development of its pioneers. We certainly are all grieved at his passing."

Edward L. Golden: "I knew Carl Laemmle over a period of 25 years. In days gone by when I held the New England franchise for Universal we were closely associated and I had a splendid opportunity to observe this dynamic little general, functioning as a leader and an independent fighter. He really and truly was the first fighting independent. He stood behind his principles and overcame great obstacles by his determination to pursue an ideal. The industry lost a noble champion for independence when he retired and in his passing the world has lost a kindly and charitable gentleman."

M. J. Siegel: "The influence of this highly respected pioneer of movie industry will long be felt for he was a leader in work and in deed."

Intimate in Character
International in Scope
Independent in Thought

THE FILM DAILY

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

V 76, NO. 62

NEW YORK, THURSDAY, SEPTEMBER 28, 1939

TEN CENTS

Move to Revive Code May be Launched by Mich. Allied Studios Face IATSE Demand for Shorter Hours Coast Film Investigation Starts, With Stebbins a Witness

Ralph Morgan on Stand Today,
Louis B. Mayer Tomorrow;
Union Men Summoned

West Coast Bureau of THE FILM DAILY

Hollywood—Arthur W. Stebbins, insurance man, a nephew of Joseph M. Schenck, yesterday testified before the Federal grand jury which is investigating charges of alleged irregularities in the motion picture industry.

He was said to have been questioned regarding his knowledge of asserted income tax evasions in merger of film companies, alleged monopolistic activities of major com-

(Continued on Page 5)

VON GULKER ELECTED OKLA. ALLIED PREXY

Oklahoma City—Allied Theaters of Oklahoma came into being officially yesterday when a small group of independents elected officers and adopted a constitution and by-laws. Only eight exhibitors attended the meeting yesterday and there was some question during the morning

(Continued on Page 8)

Maj. Warner Host to Jewish Drive Aides at Golf Tourney

Maj. Albert Warner, co-chairman with David Bernstein of the Amusement Division of the Jewish Federation of Charities will be host today to members of his 1939 campaign committee at a golf tournament and

(Continued on Page 5)

Herbert Cruikshank Dies; Funeral Rites Saturday

Herbert Knight Cruikshank, 48, widely known in the film industry through his editorial association with the local Morning Telegraph and the one-time Motion Picture World, died yesterday in his home at 25 Central

(Continued on Page 5)

Atlas Corp. to Submit New Underwriting Proposal Under RKO Reorganization Plan?

At the request of proponents of the RKO reorg. plan, Federal Judge Alfred C. Cox yesterday postponed hearings until Oct. 11 at 3:30 p.m. before Federal Judge William Bondy. It is understood that Atlas Corp. at present is considering a new underwriting agreement. Decision as to a fair price for common stock has not yet been reached by Atlas.

MPPDA Again to Tackle European War Problems at Parley Wednesday

The possible effect of the European war on the motion picture business and ways and means of combatting problems resulting from the situation were discussed yesterday by the board of directors of the MPPDA. No decision on any of the questions was reached and the meeting was adjourned until next Wednesday, a Hays office spokesman said.

Attending yesterday's sessions were Barney Balaban, representing Paramount; Nate Blumberg, Universal; Harry Buckley, United Artists; Jack Cohn, Columbia; E. W. Hammons, Educational-Grand National; Joseph Hazen, Warner Bros.; W. C. Michel, 20th Century-Fox; George J. Schaefer, RKO; Nicholas M. Schenck, Loew's, Inc. and Will Hays, president of MPPDA.

20th-Fox Committee Named to Plan Economies

West Coast Bureau of THE FILM DAILY

Hollywood—A committee representing all departments of 20th Century-Fox studios, which was called together by Darryl F. Zanuck, issued a statement to all studio employees declaring that Zanuck has made it very clear that no drastic action is contemplated at this time.

"He feels with us that a general salary cut is the poorest sort of economy and should only be undertaken as a last resort, but savings must be accomplished and drastic new economies put into effect," the statement said in part. "It is to plan these savings and economies that this committee has been formed."

New Hope for Code Seen in Remarks by Ray Branch; Convention Plans Set

Chicago Operators Union Calls Meeting for Today

Chicago—A special meeting was called last night by the Chicago operators' board of directors to consider failure of Chicago theater owners to grant wage increases and

(Continued on Page 4)

Kalamazoo, Mich.—A move to reopen negotiations for a fair trade practice code may be launched here next week when Allied Theaters of Michigan holds its annual convention at the Burdick Hotel. Dates are Oct. 2-4.

Belief that the ball may be started

(Continued on Page 8)

Negotiations Resume Early Next Week on Further Union Requests

West Coast Bureau of THE FILM DAILY

Hollywood—IATSE demands with respect to hours and working conditions of 12,000 film craftsmen, members of 11 different locals, will be considered at a conference or conferences early next week.

IATSE will be represented by William Bioff as negotiator while the studios will be represented by E. J. Mannix and the members of the Producers Labor Negotiation Committee.

Next week's parley will supplement that which this week netted a 10 per cent wage increase for the IA affiliates, estimated to add up-

(Continued on Page 4)

EUROPEAN WAR WON'T HIT SHORT PROGRAMS

No curtailment of short subject production is contemplated because of the European war, and in some instances, programs may be increased, a survey reveals. A check-up of the major companies' shorts programs shows that a minimum of 530 one- and two-reel subjects are

(Continued on Page 4)

Franklyn Warner Comes for Hammons Confabs

Franklyn Warner is due in New York from the Coast today to confer with E. W. Hammons, president of Grand National, in regard to the production of a series of pictures

(Continued on Page 5)

Fox Theaters Hearing Awaits Cahill's Report

In an opinion filed in Federal Court yesterday, Judge John C. Knox directed that hearing of objections filed against the final ac-

(Continued on Page 5)

THE FILM DAILY

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JOHN W. ALICOATE : : : : Publisher

DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat	113 3/4	113 3/4	113 3/4	+ 1/8
Col. Picts. vtc. (2 1/2%)	7 1/4	7 1/4	7 1/4	— 1/8
Columbia Picts. pfd.	17 3/4	17 1/4	17 1/4	— 3/8
Con. Fm. Ind.	1 3/8	1 3/8	1 3/8	+ 1/8
Con. Fm. Ind. pfd.				
East. Kodak	159	157 1/2	158 1/2	+ 1/4
do pfd.				
Gen. Th. Eq.	9	8 3/4	9	
Loew's, Inc.	33	31 7/8	32 1/4	— 3/4
do pfd.	103	103	103	
Paramount	7 1/4	7 1/8	7 1/8	
Paramount 1st pfd.	74 1/2	73 1/2	73 1/2	— 2
Paramount 2nd pfd.	8 3/8	8 1/4	8 3/8	+ 1/8
Pathe Film	12 1/8	11 1/4	12	
RKO	1 5/8	1 5/8	1 5/8	+ 1/8
20th Century-Fox	13 3/8	13	13	— 1/8
20th Century-Fox pfd.	22	21 3/4	21 3/4	— 1/4
Univ. Pict. pfd.				
Warner Bros.	4 1/8	4	4	— 1/8
do pfd.				

NEW YORK BOND MARKET

Keith B. F. ref. 6546				
Loew's deb. 3 1/2% 46	93 1/4	93 1/8	93 1/8	+ 1/8
Para. B'way 3555				
Para. Picts. 6555				
Para. Picts. cv. 3 1/4% 47	78 1/2	77 1/2	78 1/2	+ 1 1/2
RKO 6541	55	55	55	— 3
Warner Bros. cv. 6539				
Warner Bros. db. 6548	81	80 1/2	80 1/2	

NEW YORK CURB MARKET

Monogram Picts.	1 1/8	1 1/8	1 1/8	
Sonotone Corp.	1 3/8	1 3/8	1 3/8	
Technicolor	11 3/8	10 7/8	11 1/8	— 1/8
Trans-Lux				
Universal Corp. vtc.	3	3	3	
Universal Picts.	6 1/2	6 1/2	6 1/2	+ 1/2

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	
Fox Thea. Office Bldg. 1st '46	3 1/4	4 3/4
Loew's Thea. Realty 65 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	63	66
Roxy Thea. Bldg. 45 1st '57	58	61

SAFETY LLOYDS

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SECURITY

Carl Laemmle Left Estate Valued at \$4,000,000

West Coast Bureau of THE FILM DAILY
Hollywood—Carl Laemmle left in an estate valued at approximately \$4,000,000. His realty holdings comprised a business corner on Hollywood Blvd. and his estate in Beverly Hills. His securities represent a value of \$2,000,000. His annuities are reported to amount to around \$500,000.

With the will were found eight letters addressed to members of his family. These directed that they continue a foundation which he established and through which he brought 200 refugees from his native Germany and placed on his personal payroll.

Annuities amounting to \$500,000 or more revert to his two children, Carl, Jr. and Mrs. Stanley Bergerman. He provided for his brothers, Louis and Siegfried; his grandchildren, Carol Bergerman, 9, and Stanley Bergerman, Jr., 7, other relatives, his secretary Jack Ross and family servants.

Exports of Photographic, Projection Goods Fall

Washington Bureau of THE FILM DAILY
Washington—Exports of photographic and projection goods show a decline in August compared to the same month of last year, it was revealed yesterday by the Department of Commerce. The eight months ending in August also show a drop for 1939 compared to 1938, it was reported.

Exports of such goods in August, 1939 amounted to \$1,495,000 compared to \$1,599,000 in August, 1938, for a drop of \$104,000. The eight-month period figure for 1939 was reported at \$12,706,000 compared to \$13,629,000 for the eight months of 1938, representing a decrease of \$923,000.

AMPA Set for Big Turnout for Initial Fall Meeting

Capacity attendance of AMPA's membership is expected today at the organization's inaugural of Fall season meetings which will be held in the fourth-floor dining room of Stouffer's Restaurant, Fifth Ave. and 44th St., at 12:45 p.m.

The Board of Governors announced yesterday that acceptances had been received assuring the attendance of all ex-presidents of the body who are currently in New York and vicinity.

It was also pointed out that new low prices would prevail, namely \$1, including tips, in the instance of members, and \$1.25, including tips, for non-members.

11,000 Contracts for Year

Chicago—William F. Rodgers, M-G-M general sales manager, said here yesterday that he expected the company to have 11,000 product contracts by the end of this year. Rodgers left yesterday for St. Louis for further sales conferences.

Files Plagiarism Suit vs. Para. Over "Midnight"

Plagiarism suit which demanded an injunction against exhibition of the film, "Midnight," an accounting and damages, was filed in the Federal Court yesterday against Paramount Pictures, Inc., and Charles Beahan by Robert L. Buckner.

Plaintiff claims that in 1933 he and Beahan wrote a play entitled, "Dearly Beloved," and delivered a manuscript to Paramount. The complaint charges Paramount with infringing the play in the picture "Midnight" and states that Beahan is named a defendant because he refuses to join the suit as a plaintiff.

Court Reserves Decision in UA's Hart Case Appeal

The Appellate Division of the New York Supreme Court yesterday reserved decision after argument on the appeal of United Artists Corp. from a jury's verdict which awarded William S. Hart and Mary Hart \$190,000 damages, plus \$60,000 interest, against UA. Joseph Proskauer represented United Artists on argument and Max D. Steuer represented the Harts. Suit charges the defendant with breach of contract in block-booking the Hart picture, "Tumbleweeds," with an alleged inferior picture entitled, "Wild Justice."

"What a Life" Will Open at N. Y. Para. on Oct. 11

"What a Life" goes into the New York Paramount on Oct. 11 instead of "Rulers of the Sea" which previously had been booked tentatively. "Honeymoon in Bali" and Glen Miller's band are reported to be doing heavy business and will be held for two additional weeks at the house. "Disputed Passage" will follow "What a Life," with "Rulers of the Sea" spotted for later in the season.

Producer-DG Confab Friday

Meeting between the committee representing the film companies and the Dramatists Guild is expected to be held tomorrow to continue negotiations on a new contract covering financing and purchase of plays by the film companies. Following the last meeting, progress was reported by a Guild exec. and it was said then that only a few basic points remain to be ironed out before the pact can be concluded.

GTE Declares Dividend

Directors of General Theaters Equipment Corp., have declared a cash dividend of 15 cents per share on the capital stock, payable Oct. 16 to stockholders of record Oct. 6.

Conn. Allied to Elect

New Haven—Allied Theaters of Connecticut will hold an election luncheon meeting at the Hofbrau Haus Restaurant Tuesday noon.

COMING AND GOING

WILLIAM F. RODGERS, M-G-M general sales manager, has left Chicago for St. Louis for a sales conference there.

ROBERT T. KANE, English production head for 20th-Fox, plans to leave for England Saturday on the Clipper.

CLYDE ECKHARDT, Chicago branch manager for 20th-Fox, is in New York to confer with home office execs.

ERNEST LUBITSCH, just finished directing Greta Garbo's "Nimotchka" for M-G-M, is due to arrive at the Newark airport from Los Angeles this morning. He will meet MRS. LUBITSCH who arrives tomorrow on the Nieuw Amsterdam.

J. J. MILSTEIN, Eastern rep. for Edward Small Productions, leaves today for the Coast for conferences on Small's next production, "My Son, My Son!"

CHRISTIAN VAN DER REE, Columbia's Venezuela distributor, has arrived here from attending the company's Latin American convention in Havana for home office conferences.

TONY MARTIN has gone to the Coast from New York to appear in Columbia's "Passport to Happiness."

LESLIE BANKS sails from England tomorrow to play the lead in the late Sidney Howard's play, "Madam, Will You Walk," for the Playwrights Company.

PAUL MUNI has arrived from the Coast for a stage role in "Key Largo" for the Playwrights Company.

BRUCE CABOT, having finished his role in "Traitor Spy" in England is expected back here early in October.

LOUIS LIPSTONE, of the Para. music department, has returned to the Coast from Chicago where he was called by the illness of his mother.

DUDLEY NICHOLS has left the Coast for the East on a 10-day leave from Samuel Goldwyn's office.

GEORGE OFFERMAN, JR., is en route East from the Coast by motor for a p.a. tour.

MITCHELL LEICHTER is back in Hollywood after a six weeks tour selling territories on "Sudan."

Buying and Rentals Topics of Wis. ITPA Closed Session

Milwaukee — Buying and film rentals were discussed at a closed round table session at the opening of the ITPA convention at the Schroeder Hotel here yesterday afternoon. Action on matters discussed are expected to be taken up at the closing session this afternoon. Serious illness prevented Ed Maertz, president, from attending and discussions were under the direction of F. J. McWilliams, chairman of the board of the association.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 28

Tom Terriss

Ernest Fegte

Ed Sullivan

GARBO
in the marvelous
ERNST LUBITSCH
Production
"NINOTCHKA"

(don't pronounce it—SEE IT!)
with Melvyn Douglas • Ina Claire
Screen Play by Charles Brackett, Billy
Wildier and Walter Reisch • Based on
the Original Story by Melchior Lengyel
Directed by Ernst Lubitsch

BIG

WE HAVE JUST SEEN
"NINOTCHKA" and we
pronounce it SENSATIONAL!



GARBO blushes!



GARBO goes gay!

Long live the Lubitsch touch! It has brought your box-office a new Garbo, sly as a wink! A gorgeous Garbo they've never seen before! A champagne lady, lively, lovable! This comedy of a flirtatious secret affair in Paris will positively captivate the nation! It makes Garbo a bigger star than she ever was before in her entire career! One of the year's **IMPORTANT** pictures! Prepare for another M-G-M triumph!

EUROPEAN WAR WON'T HIT SHORT PROGRAMS

(Continued from Page 1)

slated for distribution during the present season.

Paramount will distribute 85 two-reelers; M-G-M, six 2-reelers and 73 one-reelers; 20th Century-Fox, 52 one-reelers; Vitaphone, 18 two-reelers and 68 one-reelers; RKO, 24 two-reelers, 39 one-reelers, 13 March of Times and 18 Disney cartoons; Universal, maximum of 104 reels and a minimum of 69 reels, plus three serials; Columbia, a minimum of 52 one-reelers and a minimum of 13 two-reelers, in addition to four serials.

Chicago Operators Union Calls Meeting for Today

(Continued from Page 1)

vacations with pay. Jack Kirsch, Illinois Allied prexy, and Morris Leonard, representing circuit owners, met jointly last night with union heads.

The entire union membership meets this morning at 11 o'clock to take action if their demands are turned down. Strong efforts were made last night to reach a peaceful settlement.

5,000 Fans Storm Station As Ann Sheridan Arrives

More than 5,000 fans greeted Ann Sheridan, Warners' "Oomph girl," at Grand Central station yesterday. Depot police said it was the biggest demonstration tendered to an arrival since the "42nd Street Special" came to town six years ago with a cargo of Hollywood stars. Two news photographers were pushed off the platforms in the sheds as the throng rushed to meet Miss Sheridan, who opens a personal appearance engagement at the Strand on Oct. 6.

Defer Local 258 Hearing

Petition of Local 258, CIO union, scheduled to be heard yesterday before the State Labor Relations Board for recognition as a bargaining agent for certain employes in the RKO Metropolitan theaters has been postponed by request of the Local. It is expected that the hearing will not take place for at least two weeks. Jurisdiction in the same field in the RKO houses is also claimed by the IATSE.

Credits

Newark, N. J.—"All that I am, I owe to G-man, racketeer pix and Westerns."

That's the way Abe Levin, Elwood theater manager, explains how, with three shots, he put to rout a gunman who had ordered his brother Jack into an alley. Jack's cries brought Abe running.

ALONG THE



WITH PHIL M. DALY

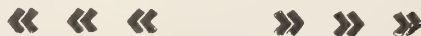
● ● ● ONE of the most eye-arresting observations regarding domestic pix problems.....which have arisen since Mars went berserk in Europe.....came from Joseph M. Schenck.....who said flatly that the success of efforts to maintain quality production.....in the face of lost European revenues.....largely depends upon the support given by American exhibitors.....The support which he advises specifically is that extended playing time be accorded.....to worth-while pix.....And he backed up that statement with another.....that to justify holding over pix for a second week in the instances of top runs.....and continuing three-day pix to five and six days in the subsequents....."exhibitors will find it necessary to display greater showmanship.....and introduce new ideas".....

● ● ● THERE is another side to that picture.....and for it the ball goes back, so to speak.....to the producer-distributor.....To the producer, for his is the job of turning out those quality pix.....To the distributor, for his is the job of convincing the exhibitor that.....the pictures are truly big.....deserving of that extra effort.....and entitled to the added playing time.....

● ● ● FAITH in a film's potentialities must first be manifested by its merchandisers.....before faith imbues its exhibitors.....Selling the trade always must precede selling the public.....In connection with this.....note the "case" of "Nurse Edith Cavell".....the Herbert Wilcox biographical bombshell.....which RKO Radio is currently releasing.....Today the film goes into its second week at the Radio City Music Hall.....a yardstick in itself that it is of powerhouse proportions.....The fact is.....(and we're not telling any tales out of school).....that its first week wound up with grosses of such magnitude.....as to eclipse the "take" of a goodly number of b.o.-beauty predecessors.....Despite the show of strength.....RKO execs. have not made the mistake of cease firing.....On the other hand they have added to the film's momentum in the trade.....by getting back of the property with advertising even more strenuously.....not simply to impress Mr. Exhibitor.....but CONVINCE him of the merits.....

● ● ● THAT "Nurse Edith Cavell" will get playing time a-plenty is a foregone conclusion.....It will have to.....in order to make worthwhile the some \$700,000 it cost to make.....As entertainment it is unique on several counts.....not the least of which is the remarkably impartial handling of the martyrdom of the British nurse.....but boldly standing out is the fact that Herbert Wilcox.....when he put the pix into work last April.....fabricated it purposely to avoid any tinge of propaganda.....But it has taken on international significance.....by reason of the hostilities in Europe.....

● ● ● ONE propagandistic aspect it does explode.....right in our own industry.....and that is the contention that it requires Hollywood technicians to make stand-out pictures in England.....Wilcox burst the bubble by transporting his British technicians to Hollywood for "Nurse Edith Cavell".....a box-office Big Bertha.....



IA DEMANDS SHORTER HOURS AT PIX STUDIOS

(Continued from Page 1)

wards of \$2,000,000 to studio pay-rolls.

Bioff said yesterday the IA would insist on shorter hours with the same pay scale, and numerous improvements in working conditions.

Mannix issued a statement that the 10 per cent wage increase granted the IA was not voluntary but forced.

"It cannot be said that producers granted an increase or that they were persuaded that one was fair or economically possible; they merely surrendered," said the statement in part.

Mannix declared that producers' presentation of plain facts and figures which show the injustice and danger of adding to production costs when industry revenues are decreasing to the point of disaster were met in each instance with an unyielding strike ultimatum.

Mannix also said that the request of producers for delay of at least four or five weeks in which to survey situation was denied and studio heads were forced to concede to demands, which, in the long run, will prove injurious to those who made them as well as to the rest of the motion picture organization.

He said his statement was not made in a spirit of resentment but for the purpose of making clear to all concerned that hard decision and conditions are sometimes accepted by those who must submit to force rather than to fairness and logic.

Civic, Club Groups Select "Happy-Hour" Shorts Today

Columbia will screen today at 2:30 p.m. in its projection room a number of shorts from which representatives of civic and women's groups attending will select six for a new "Happy-Hour" program, which is the only organized juvenile film serial in the industry, and one which has proven a successful matinee feature in a large number of theaters throughout the country.

Choices will be made by delegates of the D.A.R.; International Federation of Catholic Alumnae; the film department of the City Federation of Women's Clubs; Parent Magazine; Girl Scouts; Boy Scouts; Y. M. C. A.; Russell Sage Foundation, and MPPDA.

Jack Curry Stricken

Oklahoma City—Jack Curry, manager of the Paramount Pictures exchange here, ill from a heart attack.

Calif. Booster

In his air show Tuesday night, Bob Hope informed the world that in California the title of "The Rains Came" would be changed to "It Can't Happen Here."

MAJOR WARNER HOST TO AIDES IN DRIVE

(Continued from Page 1)

dinner party to be held at the Old Oak Golf Club, Purchase.

Prizes for the best scores in the tournament will be awarded at the dinner.

Members of the Amusement Committee expected to attend include:

Jack Alicoate, David Bernstein, William Brandt, Noah L. Braunstein, Oscar Doob, Simon H. Fabian, Leopold Friedman, Louis Frisch, Marcus Heiman, Joe Hornstein, Arthur Israel, Harry Kalcheim, Harry Kaufman, William Klein, Abe Kronenberg, Jules Levy, Bud Lytton, Charles Moskowitz, Benjamin B. Moss, Isroy M. Norr, Eugene Picker, Harold Rinzler, Ed Rugoff, Herman Robbins, Marvin Schenck, Fred H. Schwartz, Max Seligman, Sam Shain, Charles Sonin, Harold Rodner, Albert Warner, Milton C. Weisman.

Also, Barney Balaban, Abe Blank, Nate J. Blumberg, Leon Goldberg, Malcolm Kingsberg, Martin Quigley, Walter Reade, Sr., Walter Reade, Jr., Irving Caesar, Samuel M. Forrest Monroe Greenthal, Louis Nizer, Jack Cohn, Abe Schneider, Jack Goetz, Milton Green, Maurice D. Kahn, Joe Katsch, Paul N. Lazarus, Paul Moss, and William Sussman.

Franklyn Warner Comes for Hammons Confab

(Continued from Page 1)

for GN release. It is understood that Warner's three-picture commitment to RKO will not conflict with his tentative agreement with GN.

Para. Signs Sturges

Preston Sturges, author of a number of stage and screen plays, yesterday was signed as a director by Paramount. His first assignment is "Down Went McGinty," for which he also will write the screenplay. Sturges now is working on the screenplay of "Triumph Over Pain."

WB Books "Forbidden Music"

"Forbidden Music," has been booked solid on Warner Theater Circuit by World Pictures.

WEDDING BELLS

Herman Starr, New Jersey district manager for Skouras Theaters Corp., and Betty Marx, of Simmons Tours, were married yesterday at the St. Moritz Hotel.

Joseph Calechman, assistant of the Howard Theater, New Haven, Conn., announces his betrothal to Sally Eskin of New Haven.

France Closes Screens to Soviet Films, Distributing Agency Closed, Agent Ousted

Paris (By Cable)—The French government has closed French screens to all Russian films, whether artistic or propaganda.

Distributing agency handling Soviet films has been closed and its representative ordered to leave the country.

Action, by decree, follows the dissolution of the Communist party in France, directed as a result of the Russian invasion of Poland.

Fox Theaters Hearing Awaits Cahill's Report

(Continued from Page 1)

counting of Milton C. Weisman, as receiver of Fox Theaters Corp., mark time until U. S. attorney John C. Cahill concludes an investigation into the affairs of the company.

Judge Knox designated Nathan A. Smyth as special master to hear the results of Cahill's investigation. If these results, the opinion stated, indicated the need for further hearings on objections made by creditors, then Smyth would conduct them. The opinion pointed out, that aside from objecting creditors, no other party desired any further inquiry. However, the opinion concluded, in view of the charges of impropriety, something should be done publicly either to sustain or to disprove them.

Charity Bingo Okayed as Detroit Raises Ban

Detroit—The total ban on Bingo games, decreed in Detroit a few weeks ago, has been raised by Mayor Richard W. Reading. A policy of "common sense" enforcement is being inaugurated, which will allow games to continue for "bona fide charitable purposes," when conducted by veterans', religious, or fraternal institutions.

Karma In Loew Houses

Prince Karma, numerologist, is currently in the second of his six-week p.a. run in seven Loew de luxe houses in the Metropolitan territory, playing one week in Valencia, Jamaica, Mount Vernon, Paradise, Bronx, State, Newark and Pitkin, 46th Street and Kings in Brooklyn.

Cinecolor's Slide Film Order

West Coast Bureau of THE FILM DAILY

Hollywood—Cinecolor is just finishing an order for 4,300 prints of the new Chevrolet color slide film, produced by Jam Handy. Film will be delivered to dealers throughout the world. Total of 3,100 prints are for use in conjunction with recorded narration. Order is believed to call for largest number of color slide film prints placed by any commercial producer this year.

Vaude for Manchester

Manchester, N. H.—The Strand Theater here will add six acts of vaudeville to pix.

Herbert Cruikshank Dies; Funeral Rites Saturday

(Continued from Page 1)

Park West where he had been invalided for the past year because of a heart ailment.

He was a frequent contributor to the newspaper and magazine fields, and during his career had served as American consul in Ireland and as secretary to Senator Cullum of Washington.

Surviving are his widow, Regina Crewe, former film critic of the New York Journal-American; his mother, Mrs. Jessie L. Cruikshank; his son, Lawrence; and daughter Beatrice.

Funeral services will be held in the Campbell Funeral Chapel, Madison Ave. and 81st St., on Saturday at noon.

"End of the Day" Booked

"End of the Day," feature distributed by Juno Films, has been booked into the Studios Theater, Philadelphia, Little Theater, Baltimore, Fine Arts, Boston, and the World Theater, Chicago.

STEBBINS TESTIFIES AT COAST PIX PROBE

(Continued from Page 1)

panies and alleged labor racketeering.

Ralph Morgan, president of the Screen Actors' Guild, and Aubrey Blair are scheduled to testify today. Louis B. Mayer is expected to testify tomorrow.

Numerous studio and union officials have been summoned to appear at the inquiry which is being conducted by Charles H. Carr, Special Assistant U. S. Attorney General. Among others summoned are Sid Rogell, RKO exec., Harlan Holmden, former vice-prexy of the IATSE. Guy Cooper, former IA recording secretary, and H. K. Sorell, business representative of the Motion Picture Painters' Union.

The investigation is expected to last for several months.

New House for Flushing

Construction on a 600-seat house for Raybond Theaters has been started in Flushing by the Puritan Land Corp. Theater will be at the Northeast corner of Fresh Meadow Lane and 69th Ave. House will be modern in every respect and will be wired for television. It is expected to open around Feb. 1.

AMPA

presents

ARTHUR JAMES
P. A. PARSONS
PAUL LAZARUS, SR.
JOHN C. FLINN
GLENDON ALLVINE
GEORGE HARVEY

EDWARD KLEIN
HAL HORNE
BILL FERGUSON
GORDON WHITE
RALPH ROLAN

in

"PAST PRESIDENTS' DAY"

or

"Follies of 25 Years"

TODAY at 12:45 p.m.
STOUFFER'S RESTAURANT
4th Floor
5th Avenue and 44th St.

NEW LOW TARIFF!
Members: \$1.00 incl. tips
Non-members: \$1.25 incl. tips



REVIEWS OF THE NEW FILMS



"The Private Lives of Elizabeth and Essex"

with Bette Davis and Errol Flynn
Warners 106 Mins.
ENTERTAINMENT DE LUXE FOR ALL AUDIENCES WILL ROLL UP A GOLDEN "TAKE" FOR SHOWMEN.

Like Grant took Richmond, this brilliant Technicolor feature will take audiences everywhere. And what a resulting golden "take" for showmen! For here is a picture telling a highly dramatic and essentially human story against the magnificent pageantry of the Elizabethan age, and telling it, if you please, with sustained action and tempo. Call it entertainment de luxe, and you'll be telling the truth. Say that it is a setting for one of Bette Davis' finest characterizations (many will say it is her greatest achievement), and that's as truthful. And forecast, if you will, that it will be well to the fore when Academy and other honors are bestowed, and you'll be on safe ground. Analytically, "The Private Lives of Elizabeth and Essex" is another corking example of what stems from Warner studio teamwork. There is a certain precision, a certain smoothness that attests the co-ordinated efforts of Jack L. Warner, Hal B. Wallis and Robert Lord on the production side, of Director Michael Curtiz and his two aides, Stanley Logan and Sherry Shourds; of Norman Reilly Raine and Aeneas MacKenzie who prepared the tightly knit screen play from Maxwell Anderson's Theater Guild play, and of all the others concerned with the production, whether players or technical staff members. Directorially, the picture is Curtiz at his ablest. He carries the story forward swiftly; its 106 minutes might be 60, so fast does it seem to move. To point up what Curtiz has accomplished, it might be added that there is no resort to sword play, to the swashbuckling heroics of costume drama; the conflict is essentially that of clashing dominant personalities and of wills. Stripped of its picturesque dress, this is the story of two people who loved and hated and loved again, but who could not forget that one alone stood for England. For England, Elizabeth sent Essex to the block; for Elizabeth and England, Essex refused to say the words that would have stayed the headsman's axe. The rest, their quarrels and reconciliations, the intrigue of the court, the ill-fated expedition to Ireland and Essex's revolt, is secondary, however it may serve to deck out the framework. Miss Davis moulds an emotional Elizabeth vibrantly alive, wholly comprehensible, and uncannily magnetic. The role, of course, is a rich one, and the star never misses, whatever the mood. And the transition from one to the other comes quickly. Errol Flynn's Essex is a handsomely romantic figure, certain to add to his matinee following. Of the supporting cast, the most impressive performance comes from Donald Crisp as Francis Bacon, the opportunist. Olivia de Havilland is a well chosen Lady Penelope Gray, the Queen's lady-in-waiting who vainly loves Essex. Effective also are Henry Stephenson, Henry Daniell, Leo G. Carroll and Vincent Price as Essex's court enemies and Alan Hale as the Irish Earl of Tyrone who defeats Essex's expeditionary force. The value of

"Two Bright Boys"

with Jackie Cooper, Freddie Bartholomew, Alan Dinehart
Universal 70 1/4 Mins.
WELL-PACED MELODRAMA WITH TWO JUVE FAVORITES HOLDS POP APPEAL.

An earnest little melodrama with a plausible story and capable cast, this one holds popular appeal. Casting is commendable, performances ditto. Cooper, Bartholomew and Alan Dinehart headline the cast, which includes such seasoned troupers as Dorothy Petersen, Melville Cooper, J. M. Kerrigan, Eddie Acuff and Willard Robertson. There is plenty of punch and sentiment in the film. Cooper is trying desperately to complete the drilling of a wildcat oil well on his rundown farm in Texas with the help of his mother, Dorothy Petersen. Dinehart, ruthless oil baron, attempts to get the property away from them as it shows promise of being rich oil land. Melville Cooper, father of Freddie Bartholomew, is caught cheating in a card game by Dinehart and forced to work for him. Freddie and his father try to pawn themselves off as Londoners with banking affiliations in order to get the oil well. Freddie saves the well when an accident occurs and they win the good will of Jackie Cooper and his mother. Complications ensue and Jackie finds himself in trouble when after accepting a mortgage loan his well is wrecked. Freddie and his father are run off the place when their friendship with Dinehart is discovered, but they later return to help bring in the well in time to stave off foreclosure.

CAST: Jackie Cooper, Freddie Bartholomew, Alan Dinehart, Dorothy Petersen, Eddie Acuff, Melville Cooper, Willard Robertson, Hal Dawson, Eddy Waller, J. M. Kerrigan.

CREDITS: Associate Producer, Burt Kelly; Director, Joseph Santley; Screenplay, V. Burton and E. Hartmann; Cameramen, Elwood Bredell; Editor, Phil Cahn.

DIRECTION, Able. PHOTOGRAPHY, Good.

Technicolor to costume drama was never better demonstrated, no, not even in "The Adventures of Robin Hood." The camera work by Sol Polito rates aces. So, too, the highly sympathetic musical setting by Erich Wolfgang Korngold.

CAST: Bette Davis, Errol Flynn, Olivia de Havilland, Donald Crisp, Alan Hale, Vincent Price, Henry Stephenson, Henry Daniell, James Stephenson, Nanette Forbes, Ralph Forbes, Robert Warwick, Leo G. Carroll.

CREDITS: In Charge of Production, Jack L. Warner; Executive Producer, Hal B. Wallis; Associate Producer, Robert Lord; Screenplay by Norman Reilly Raine and Aeneas MacKenzie; From the Play "Elizabeth the Queen" by Maxwell Anderson; Directed by Michael Curtiz; Dialogue Director, Stanley Logan; Assistant Director, Sherry Shourds; Photographed in Technicolor by Sol Polito; Associate Photographer, W. Howard Greene; Technicolor Color Director, Natalie Kalmus; Art Director, Anton Grot; Film Editor, Owen Marks; Sound by C. A. Riggs; Technical Advisor, Ali Hubert; Music by Erich Wolfgang Korngold.

DIRECTION, Brilliant. PHOTOGRAPHY, Aces.

"\$1,000 a Touchdown"

with Joe E. Brown, Martha Raye, Eric Blore
Paramount 71 Mins.

(HOLLYWOOD PREVIEW)

LIVELY COLLEGE FOOTBALL COMEDY PILES UP HEAVY QUOTA OF LAUGHS.

Teamed for the first time, Joe E. Brown and Martha Raye pile up a heavy total of laughs with their campus caperings. Another important fun-maker is Don Wilson, of radio fame, who is the announcer of the football game that gives the picture its title. Eric Blore is another laugh-maker, as are George McKay and Syd Saylor. Susan Hayward is decorative and capable, while John Hartley, Tom Dugan and Matt McHugh complete the cast. Director James Hogan provided a lively pace and kept the laughs coming fast. To William C. Thomas goes credit as associate producer. Delmer Daves concocted a very amusing screenplay and story. Lovesick Martha inherits a rundown college and makes Brown, son of a famous actor, president of the school and coach of the football team. Although Brown has never seen a football game, he tries to coach and insists on only eleven candidates trying for the team. When things look darkest for the players in their game with a professional aggregation, Martha gives the professionals \$1,000 a touchdown for each touchdown they allow her players to score. After she had paid \$4,000, she reduces her offer to \$100 a touchdown, but it is refused. It is then that Brown replaces one of his injured players and literally flies over the goalposts with the winning touchdown.

CAST: Joe E. Brown, Martha Raye, Eric Blore, Susan Hayward, John Hartley, Syd Saylor, Joyce Mathews, George McKay, Tom Dugan, Matt McHugh.

CREDITS: Associate Producer, William C. Thomas; Director, James Hogan; Original Screenplay by Delmer Daves; Cameraman, William Mellor, A.S.C.; Film Editor, Chandler House; Art Directors, Hans Dreier and William Flannery; Sound Recording, George Dutton and Glenn Rominger.

DIRECTION, Lively. PHOTOGRAPHY, Good.

"Sponsored" Musical Review Will be Telecast by NBC

Musical review will be "sponsored" by the Ronson Lighter Co. on NBC's television stations, W2XBS, starting tomorrow, at 8:30 p.m. Program is tagged "You're the Light of My Life," was produced by Hal A. Salzman and includes Lee Sullivan, Lillian Beverly, Jane Cavett, Ruth Guinan, Mac Murray, Ronsonia and others.

Special emphasis will be placed on working commercial plugs into the continuity by utilizing a combination of radio and picture technique, it was said.

Tommy Walker Recovered

Tommy Walker, salesman for the Liberman Flag and Valance Co., having recovered from an automobile accident, is expected to return to his job within the next few days.

"The Man Who Dared"

with Henry O'Neil, Charles Grapewin, Jane Bryan

Warners 60 Mins.
GANGSTER MELLER WITH GOOD ACTION AND STORY TWISTS O.K. FOR PROGRAM FARE.

Designed for the program spot, this picture will fit in neatly. It has plenty of action, a personable American family beset by gangster trouble for audience interest, and a fast-moving climax to wind it up. The cast is capable with expert troupers handling the principal roles. Charles Grapewin, Henry O'Neil, Jane Bryan, Dickie Jones and Elizabeth Risdon headline the cast. Grapewin, on leave from the old soldier's home, is having dinner with his grandchildren. They hear an explosion and see a neighbor murdered. They are threatened with death by a gangster band unless they keep still and, being frightened, they withhold all the evidence they have. However, the gangsters kidnap young Dickie Jones just to be sure the family doesn't talk, and grandpa (Grapewin) goes into action. He finally locates the building where Dickie is being held and a police raid rescues him. Gangster John Gallaudet is just about to be freed because of a lack of evidence when Grapewin and Dickie arrive in court and nail him to the mast with their testimony.

Cast: Charles Grapewin, Henry O'Neil, Dickie Jones, Jane Bryan, Elizabeth Risdon, James McCallion, John Russell, Fred Tozere, John Gallaudet, Grace Stafford, Emmet Vogan.

CREDITS: Warner Bros. Production; Director, Crane Wilbur; Screenplay, Lee Katz; Original Story, Lucien Hubbard; Cameraman, Arthur L. Todd; Editor, H. McLernon.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Treachery on the High Seas"

with Bebe Daniels, Ben Lyon
Film Alliance of the U. S. 68 Mins.

CROOK COMEDY PROGRAMMER BRINGS BEBE DANIELS AND BEN LYON BACK TO SCREEN HERE.

Made in England, this serves as an American "comeback" for Bebe Daniels and Ben Lyon. Film is a neat little crook comedy and it will serve nicely as a program offering. Supporting the principals is Charles Farrell and a capable cast of English players. Action of film is laid on a boat going from New York to Southampton. Bebe, in addition to proving that she has lost none of her charm and acting ability, sings several songs in an intriguingly husky voice. Bebe, a jewel thief, is on board to get a ruby necklace being taken to England by a wealthy jewel collector. Ben, a detective for an insurance agency, plays along with her as she doesn't know his identity. There is some fast double-crossing and swift movement of the real necklace and some paste counterparts before everything is ironed out by detective Lyon.

CAST: Bebe Daniels, Ben Lyon, Tom Helmore, Charles Farrell, Hay Petrie, Gordon McLeod, James Carew.

CREDITS: Produced by British Films; Director, Emil Reinert.

DIRECTION, Adequate. PHOTOGRAPHY, O.K.

★ ★ REVIEWS OF THE NEW FILMS ★ ★

"Chicken Wagon Family"

with Jane Withers, Leo Carrillo
20th-Fox 64 mins.
ADVENTURES AND TRIALS OF CARE-FREE FAMILY WILL APPEAL TO FAMILY AUDIENCES.

Based on a novel published some years ago of a lovable family that toured the country as traders, this release should appeal to the family and kid trade. The popular Jane Withers and Leo Carrillo head a capable cast including Spring Byington and Marjorie Weaver, all four of whom comprise the Fippany family. The family makes a living and enjoys life to the fullest, but Carrillo has a penchant for poker, and is unusually unlucky. Jane and Leo are content to wander the rest of their lives, but Marjorie and Spring want to move to a city and settle down. Finally, after losing all the savings the family had Leo agrees to move to a city. The family descends on New York and their troubles start. Life in the big city is more complicated than trading merchandise for chickens. However, through the offices of Kane Richmond, a cop who falls in love with Marjorie, and several other breaks, things look up considerably for the family, with a rosy path ahead.

CAST: Jane Withers, Leo Carrillo, Spring Byington, Marjorie Weaver, Kane Richmond, Hobart Cavanaugh, Hamilton MacFadden, Inez Palange.

CREDITS: 20th-Fox Production; Director, Herbert I. Leeds; Screenplay, Viola Brothers Shore; Based on a Novel by Barry Benefield; Cameraman, Edward Cronjager; Editor, Fred Allen.

DIRECTION, Good. PHOTOGRAPHY, Good.

Local 802 Sets Nov. 27 For its Music Festival

Monday evening, Nov. 27, is the date that has been set by Local 802, New York musicians' union, for a music festival and dance jamboree in Madison Square Garden sponsored by the Medical Bureau of the Local. Proceeds go to pay for medical aid to members of the union and their families who need such assistance because of unemployment or other reasons.

Program will have a 150-piece symphony orchestra under the baton of a noted conductor, and will also have all the top-flight name bands appearing the same night. The union's Medical Bureau now comprises 25 surgeons and physicians.

Leichter Returns to Coast

West Coast Bureau of THE FILM DAILY

Hollywood—Mitchell Leichter has returned from a six weeks' tour of the United States, during which he sold all territories on "Sudan," with the exception of Detroit and Atlanta. He has also disposed of foreign and Canadian rights to the picture. He will leave shortly for Detroit and Atlanta to close deals for those territories.

"The Man They Could Not Hang"

with Boris Karloff, Lorna Gray, Robert Wilcox, Roger Pryor
Columbia 72 Mins.

THRILLER ASSURES AN EMOTIONAL FIELD DAY FOR THE HORROR FANS.

Since "horror" has long been a box office commodity, this latest of efforts to provide shocks for human absorption is a success. Boris Karloff is a scientist who discovers how to re-kindle the flame of life in the dead. Naturally, his researches are received with incredulity, and before the footage has gone very far along its fantastic way, Karloff, the physician whose discovery is to deal death a death-blow, is placed on trial for having caused the demise of a student upon whom he was experimenting. Convicted and sentenced to the gallows, Karloff is bitter against society, and particularly toward the prosecuting attorney, judge and jury. Upon these, he vows vengeance. He gets it after his garrotted body is rehabilitated by a physician-disciple. Then the gore flows fast, via the death of six jurors. Most of the picture's thrills issue from the sequences wherein Karloff collects the remaining "persecutors" in his house. He himself is finally killed but not until he has taken the secret of perpetual life on this planet into the grave with him,—via destroying the complicated laboratory apparatus. Film is well-acted in the typical thriller fashion. Direction and photography are good. The love interest is virtually nil, as accent is always toward the human spine, rather than the human heart.

CAST: Boris Karloff, Lorna Gray, Robert Wilcox, Roger Pryor, Don Beddoe, Ann Dorian, Joseph De Stefani, Charles Trowbridge, Byron Foulger, Dick Curtis, James Craig, John Tyrrell.

CREDITS: Director, Nick Grinde; Screenplay, Karl Brown; Cameraman, Benjamin Kline; Editor, William Lyon; Musical Director, M. W. Stoloff.

DIRECTION, Good. PHOTOGRAPHY, Good.

Offerman on p.a. Tour

West Coast Bureau of THE FILM DAILY

Hollywood—George Offerman, Jr. leaves Hollywood this week by motor for New York and the East on a p.a. tour. His itinerary as announced by his West Coast representative, William Hawks, calls for a few appearances en route. Due to commitments with M-G-M to play Nickie in "Calling Dr. Kildare," Offerman's p.a. tour was delayed until this time.

Maida Reade Resigns

Resignation of Maida Reade, executive secretary of the American Guild of Variety Artists, has been submitted to the AAAA and accepted. Committee of three, Florence Marston, SAG, Emily Holt, AFRA, and Paul Dullzell, Equity, will administer the new union's affairs until such time as permanent officers are installed, it was said.

"I Met A Murderer"

with James Mason, Pamela Kellino
York Pictures 78 Mins.

UNUSUAL DRAMATIC STORY BRILLIANTLY FILMED AND SKILLFULLY PRESENTED.

There is a pleasant surprise in store for exhibitors who book this film, as mature audiences should like it immensely. Produced on a shoestring, with a budget that did not allow for any interior shots or lighting effects, acted by a cast of unknown players, filmed, directed and adapted by the same man, the picture is a shining achievement for the people who produced it. It is unfortunate that there are no "names" to sell on marquees. Roy Kellino gets credit for the amazingly fine photography, also for the direction and adaptation of the story. The story was written by James Mason and Pamela Kellino, who also enact the principal roles. The story is simple, it is told without fanfare of trumpets or phony backgrounds in a direct and unswerving fashion. Mason, married to a shrewish woman, kills her when she shoots his dog. The murder is discovered and he flees from the police, a hunted man. He meets a novelist, Pamela, who is wandering around the country in a trailer. Their existence together becomes one of attachment. Mason discovers that the new book which she is working on is centered around himself and that she knows his identity. However, he realizes he loves her and she admits she loves him. But, as they are planning their escape, he is trapped by the police and is forced to run, ending his own life when he plunges into the ocean as all chance of escape is cut off. The background of the English countryside is particularly beautiful, and Kellino has brilliantly composed his photography. The acting of Mason and Miss Kellino leaves little to be asked for, and the remainder of the cast is equally competent. All in all, the film is first-class entertainment for audiences who like their murders done in an intellectual fashion.

CAST: James Mason, Pamela Kellino, Sylvia Coleridge, William Devlin, Peter Coke, Esma Cannon, Sheila Morgan, James Harcourt.

CREDITS: Gamma Film Production; Director, Roy Kellino; Original Story, Pamela Kellino and James Mason; Screenplay and Photography, Roy Kellino.

DIRECTION, Fine. PHOTOGRAPHY, Excellent.

TMAT-Raybond Hearing

A hearing on the TMAT-Raybond Theaters case is scheduled for today before the State Labor Relations Board. Last scheduled hearing was postponed until today, and it is possible that a further postponement may be made.

Kutinsky With Price

Malvin J. Kutinsky, son of Louis Kutinsky, RKO salesman, has been named New York and Brooklyn representative for the Price Theater Premium Co. He was formerly with Warners.

"Riders of Black River"

with Charles Starrett, Iris Meredith, Dick Curtis 59 Mins.

Columbia BANG-UP WESTERN WITH PLENTY OF ACTION WILL DELIGHT COWBOY FANS.

Bullets, fist-fights, ambushes, cattle rustlers and crooked sheriffs assure plenty of entertainment for western fans. The action is fast and there is plenty of it. Charles Starrett is personable as the Texas ranger, Iris Meredith is attractive as his sweetheart, and Dick Curtis will draw many a hiss from the fans as a villainous cattle rustler. The Sons of the Pioneers, well known singers of western songs, add musical touch to the picture, without which westerns apparently are not made any more. Starrett returns to his home town and ranch to find that Curtis is terrorizing the country and rustling all the nearby ranches. Starrett's brother, Forrest Taylor, the sheriff, is murdered just before he is due to arrive. On top of this, he discovers that Stanley Brown, Iris's brother, is in cahoots with Curtis. Starrett girds up his six guns and goes into action, with Curtis and his gang just bad memories when he gets through and settles down on his ranch.

CAST: Charles Starrett, Iris Meredith, Dick Curtis, Stanley Brown, Bob Nolan, Francis Sayles, Edmund Cobb, Forrest Taylor, The Sons of the Pioneers.

CREDITS: Columbia Production; Director, Norman Deming; Screenplay, Bennett R. Cohen; Story, Ford Beebe; Cameraman, George Meehan; Editor, William Lyon.

DIRECTION, Fast. PHOTOGRAPHY, Good.

"Torpedoed"

with H. B. Warner, Noah Beery, Richard Cromwell 66 Mins.

Film Alliance of the U. S. TIMELY STORY OF THE BRITISH NAVY SHOULD BE GOOD B.O. CURRENTLY.

Although the story material in this new Herbert Wilcox production is adequate, the film deals more pointedly with the ability of the British Navy to "cope with the situation" in a documentary fashion. Picture was made with the co-operation and assistance of the British Navy. The cast, headed by H. B. Warner, Noah Beery, Richard Cromwell, Robert Douglas and Hazel Terry, fits the situation thoroughly. Norman Walker, the director, has built up the proper amount of English spirit and a certain amount of suspense has also been injected into the film. Story concerns the dispatching of a British ship to a small country where there are signs of trouble. Hazel Terry, sweetheart of Douglas, arrives in the troubled country the same time as the warship. An insurrection starts and a number of people are held as hostages on one of the rebel ships, including Hazel. Douglas debates his duty and decides to torpedo the ship when it bombards the British Consulate, but Hazel jumps overboard before it is blown up, and Britannia's rule over the waves remains supreme.

CAST: H. B. Warner, Robert Douglas, Richard Cromwell, Hazel Terry, Noah Beery, Esme Percy, Frederick Culley, Binky Stuart, Henry Victor.

CREDITS: Produced by Herbert Wilcox; Director, Norman Walker; Screenplay, Gerald Elliot.

DIRECTION, O.K. PHOTOGRAPHY, Good.

MICH. ALLIED MAY LAUNCH CODE MOVE

(Continued from Page 1)

rolling towards a plan to revive the "lost code" was expressed by some following the statement by Ray Branch, unit president, who declared that the code deserved further consideration.

Meanwhile, P. C. Schram, chairman of arrangements, has completed the convention program. On Monday, the Board of Directors will meet and have dinner at the hotel at 6:30 p.m.

A golf tournament will be held Tuesday morning, with Jim Olson as chairman. At 2 p.m. the business meeting will open with a report by the president, Ray Branch. Guests will be introduced and appointments will be made of the various committees. Tuesday night has been set aside as "Old Timers" night and many reservations have already been made by old timers no longer in active business.

Wednesday morning will be open for golf for those who wish to play or a tour of the Upjohn Company, taking two hours, will be available. Luncheon will be served at the Maple Hills Country Club. Business gets under way at 2 in the afternoon.

The final banquet in the evening promises to be one of the best staged. Special entertainment is being booked out of Chicago and Detroit. The principal speaker for the evening has not been set as yet, but a big name is promised for the occasion. It had been expected to have several Congressmen present, but due to the calling of Congress, the committee is not certain as to who will be available at the last minute. Under any circumstance, President Branch has promised an outstanding personality.

Vaude In North Adams After Lapse of 10 Years

North Adams, Mass.—The Paramount Theater here has revived vaudeville after an absence of more than 10 years. The Paramount is the third theater in Western Massachusetts to put on vaudeville. Court Square in Springfield and the Victory in Holyoke preceded.

"Harvest" on Monday

American premiere of "Harvest," distributed by French Cinema Center, takes place Monday night at the World theater under auspices of the New York League of Women Shoppers.

For Sweet Charity

St. Louis—Opening night receipts of the new \$300,000 Esquire theater will be turned over to the Community Fund of Greater St. Louis by the Schuchart Investment Co., owner. It's an innovation here. House will be scaled at \$1 for the premiere.

REVIEWS OF NEW FILMS

★ SHORTS ★

"Unseen Guardians" (Passing Parade)

M-G-M 11 mins.
Interesting Short

A shyster business men's roost, an underwriter's society and a children's home, all close at hand and passed every day by thousands, but unnoticed in the rush of a big city, are featured in this short. It is interesting in every respect. First we see the operations of a shyster business designed to mulct people of their savings and the subsequent arrest of the crooks by the postal authorities. Secondly the famous underwriters' society is spotlighted. This sequence is of particular interest as it shows the diversified tests each new product must go through in order to get the seal of approval. Third sequence deals with a children's home and the reasons why so many prospective parents for orphans are refused by the home in an effort to allow the children to go only to homes where they will be assured of proper care.

"Football Thrills Of 1938" (Pete Smith Specialty)

M-G-M 10 mins.
Swell Sport Short

Every football fan in the country—and who isn't a football fan?—will be interested in seeing this short. The film is comprised of action shots taken from games during the 1938 season that provided the big thrills. The Carnegie Tech upset over Pittsburgh, the Army-Columbia upset and many others are shown with the highlights from each game. Here is a short that is timely and is a natural for any exhibitor to book right now.

Continue Film Course

For the third successive year 40 students will be accepted this Fall in the course on the History, Technique and Aesthetic of the Motion Picture conducted by Iris Barry, Curator of the Museum of Modern Art Film Library for the Department of Fine Arts, Columbia University. The course will be held in the private projection room of the Museum's new building, 11 West 53d Street.

Columbus Cold to "Flesh"

Columbus, O.—Initial stage offering of the season, "La Vie Paree," at Loew's Broad was received in rough fashion. Gross indicates that the circuit will stick to straight features (duos) in the future.

The RKO Palace has set Eddie Cantor for a p.a. on Oct. 6 and for three days only, first split-week booking in recent years.

"Think First"

(Crime Does Not Pay) 20 Mins.
M-G-M

Strong Object Lesson

The latest of the Metro series on the subject of crimes and criminals deals with young girls that are induced to join rings who sell goods that have been stolen from stores via the shoplifting route. It presents a strong case for the right side of the law in a dramatic fashion. Story deals with two waitresses in a roadside restaurant who are lured into joining a shoplifting ring. They get away with their racket for a while, but are both arrested. Finally, when they see their former instructress on a slab in a morgue, after being murdered for knowing too much, they tell what they know to the authorities. The police round up the whole ring and the law wins again as it always does sooner or later.

"Captain Spanky's Showboat" (Our Gang Comedy)

M-G-M 11 mins.
Funny Kid Comedy

Kids will get a kick out of the latest of the ever-popular Our Gang comedy releases with all their favorite juvenile actors present. Spanky's uncle allows his nephew to use his showboat to give a performance for the kids. However, the local tough boys are resentful when they are not allowed to sing in the show. The show starts with mustached villains and crinoline heroines in a touching drama about the south. Following the villain's defeat at the hero's hands, Alfalfa opens his big singing act and the riot starts. Justice prevails, however, and the tough boys get their just deserts with show going over in a big way.

Williams Adds Another

Oklahoma City—K. Lee Williams Theaters, Inc., has purchased the Wright Theater and building at Gurdon, Ark., from G. Sterling, K. Lee Williams, general manager of the circuit, has announced. Possession will be taken Nov. 1. It will be remodeled, a new marquee built, new RCA sound and complete booth equipment installed, new seats and acoustical treatment given the auditorium.

Consolidated Adds House

New theater being constructed on the corner of 43rd and Broadway has been taken over by Consolidated Amusement Enterprises on a 10-year lease, it was learned yesterday. It is expected that the house will be delivered to Consolidated around Dec. 1. Theater will have 600 seats and will be operated as a first-run house.

Bob Drew Under Knife

Cincinnati—Bob Drew, Monogram, is recuperating at the Kenawha Valley Hospital, Charleston, W. Va., from an appendectomy.

VON GULKER ELECTED OKLA. ALLIED PREXY

(Continued from Page 1)

as to the advisability of continuing the organization.

Orville Von Gulker was named president of the new group. Other officers include Sam Caporal, vice-president; C. E. Norcross, secretary-treasurer. The board of directors include one from each Congressional district. They are E. M. Frieburger, Harry Holt, Sam Caporal, Orville Von Gulker, C. E. Norcross, Mrs. Juanita Berry, A. B. Momand and Jess L. Cooper.

Dues were assessed at the rate of one cent per seat per month, with concessions to larger theaters in small towns.

Col. H. A. Cole, national Allied president, urged the group to continue as a unit despite the small attendance, pointing out that no matter how small its membership was it could have "tremendous" value in national legislative matters.

Robert Schwartz Opens Thomaston Film Theater

New Haven—The 700-seat colonial Park Playhouse, Thomaston, opened last night as the fourth opening since Sept. 1 in the New Haven exchange territory. Robert Schwartz, operator, formerly ran the Paramount, which he will keep closed under lease. The opening follows close on that of 700-seat State Theater, Jewett City, by the Torans Amusement Corp. and the renovated 496-seat Fairmont Theater by Al Pickus, Stratford operator.

An Oct. 1 opening date is also set for the 475-seat Deep River Theater, acquired from L. Pratt by Lee Malcarni, Essex and Clinton operator, this summer, and closed for complete renovation.

Also following along in the unusual construction and exchange activity which this territory has experienced since last spring, are the new Windsor-Plaza Theater, Windsor, which the Shulman interests of the Webster and Rivoli, Hartford are building; the Groton Theater, under construction by J. C. Hess of Moosup; the Windsor Theater, under new Gordon-Lockwood-Lampert management and being renovated; and two new building operations just begun, the 350-seat Natale Di-Francesco house in Cheshire, and the 900-seat brick house which the Bailey interests of the Whalley, New Haven, have started in the Whitneyville suburb of New Haven.

Night Golf Next

Chicago—And now it's night golf that looms as film competition. Local pav course has ordered the necessary flood lighting equipment.

Intimate in Character
International in Scope
Independent in Thought

The Daily Newspaper
Of Motion Pictures
Now Twenty-One Years Old

76, NO. 63

NEW YORK, FRIDAY, SEPTEMBER 29, 1939

TEN CENTS

Two Independent Exhibitor Groups Looming in New York IATSE, PRODUCERS REOPEN WAGE ISSUE IN MARCH Bright Outlook for Films in Northwest; Grosses Up

Agricultural Upturn Will Be Generally Reflected; Exhibs. Optimistic

Minneapolis, Minn.—The film industry in the several Northwest states of which Minneapolis is the hub, faces one of the most prosperous and busy Fall and Winter seasons in its history, according to all indications.

There are several very important reasons for this outlook. Outstanding among these is the fact that Northwest farmers in most sections which were hit by drought for many years, have just enjoyed one of the most bountiful harvests in the history of Northwest agriculture and that means that there is plenty of

(Continued on Page 6)

CHICAGO OPERATORS WIN 5% WAGE BOOST

Chicago—Theater projectionists here were awarded a five per cent wage increase yesterday, following conferences between union officials and representatives of independent and circuit theaters. The wage hike will be retroactive to Sept. 1. Union officials said last night that the set-

(Continued on Page 6)

Selznick to Take 4-Month Leave; May Visit So. Amer.

West Coast Bureau of THE FILM DAILY
Hollywood—David O. Selznick leaves early in December for a four-months vacation which he will combine with field work on behalf of Selznick International. Much of his

(Continued on Page 6)

"Mohawk" in 14 Reels

West Coast Bur., THE FILM DAILY
Hollywood—20th Century-Fox will release "Drums Along the Mohawk" in 14 reels, longest feature Technicolor picture so far to be released in the history of the industry.

West Coast Grand Jury Investigation Proceeding Rapidly, Murphy Declares

Washington Bureau of THE FILM DAILY

Washington—The West Coast Grand Jury film industry investigation is proceeding as rapidly as possible to clear up, in the public interest, the matters in question under his directions of quick action, Attorney General Frank Murphy said yesterday at his press conference. The cases should not hang fire a long time, Murphy said. If there is enough evidence to go ahead, Murphy said, no time will be lost in prosecution. No industry tax cases have been settled as yet, Murphy added.

CALL EXECUTIVES IN COAST PIX PROBE

West Coast Bureau of THE FILM DAILY

Hollywood—Harland Holmden, international vice-president of the IATSE, former Hollywood representative of IA, testified yesterday before the Federal grand jury which is investigating various alleged irregularities in the film industry. It was believed he was questioned about re-

(Continued on Page 3)

Bernstein, Greenthal Winners in Charity Drive Tourney

David Bernstein, vice-president and treasurer of Loew's, Inc., captured the low net with a 67 in the golf tourney held yesterday at Old Oaks, Purchase, N. Y., in which the participants were members of the

(Continued on Page 6)

MAYFLOWER PROD'N IN U. S. FORESEEN

American production by Mayflower Pictures was foreseen yesterday when it became known that Erich Pommer was leaving for Hollywood today to confer with Charles Laugh-ton, with reports indicating that Pommer has been talking a deal with RKO for release.

It is expected that the Pommer-

(Continued on Page 6)

Murray Silverstone to Coast To Confer With Chaplin

Murray Silverstone, chief of world-wide operations of United Artists, leaves today for Hollywood, where he will confer with the producers whose films are released by United Artists.

Silverstone expects to discuss the

(Continued on Page 3)

Report New York Independents Plan Affiliation With National Allied

Canadian Clearance Board Plan Reports Due Monday

Toronto—Executive meeting of the Independent Theaters Association of Ontario called for yesterday was adjourned until Monday when reports on the progress of plan of the Anti-Protection League to establish a national clearance board will be received and made public.

Two New York State exhibitor organizations looms as a possibility. Plans for a unit which will be affiliated with the national Allied body are taking shape, while Max Cohen, head of Allied Theaters of New York, which was expelled from the parent association, is expected to carry on with his group.

Several members of the New York City Allied unit met yesterday

(Continued on Page 3)

Foreign Market Situation Will Be Reviewed at That Time

By RALPH WILK

West Coast Bureau of THE FILM DAILY

Hollywood—New contract between the 11 studio locals of the IATSE and the producers which calls for a 10 per wage increase, expected to cost the studios upwards of \$2,000,000 annually, will be subject to adjustment on March 15 next, it was established yesterday.

William Bioff, as chairman of the IA's negotiating committee, agreed to that stipulation, thus assuring a reopening of the wage issue approximately seven months from the effective-

(Continued on Page 6)

WARNER MUSIC GROUP SIGNS NEW SWPA PACT

Song Writers' Protective Association, of which Irving Caesar is president, announced yesterday that a new contract had been signed with the Music Publishers' Holding Corp., the Warner group of publishers.

Text of the new SWPA reveals one important change in particular, the

(Continued on Page 3)

RKO Execs. Will Attend Nat Levy Detroit Dinner

RKO representatives from New York, Chicago, Cleveland, Pittsburgh, Baltimore and Buffalo will journey to Detroit tomorrow to pay homage to Nat Levy, district manager, who

(Continued on Page 6)

'Triples' In Detroit

Detroit—Open advertising of "three features" has finally made its appearance here, but so far it's solely for Saturday evening shows. Trick is to show an extra feature at the midnight show, thus not interfering with the draw of the regular Sunday show, but strengthening up the late Saturday patronage.

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DONALD M. MERSEREAU : General Manager

CHESTER B. BAHN : : : : : Editor

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FINANCIAL

NEW YORK STOCK MARKET

	High	Low	Close	Net Chg.
Am. Seat.	11 1/8	11 1/8	11 1/8	- 1/4
Col. Picts. vtc. (2 1/2%)	7 3/4	7 1/4	7 3/4	+ 1/2
Columbia Picts. pfd.	17 1/8	17 1/8	17 1/8	-
Con. Fm. Ind.	1 1/4	1 1/4	1 1/4	- 1/8
Con. Fm. Ind. pfd.	9 1/8	9 1/8	9 1/8	-
East. Kodak	158 3/4	156	156	- 2 1/2
do pfd.	158	157 1/2	158	+ 2 1/2
Gen. Th. Eq.	9	9	9	-
Loew's, Inc.	32 1/8	31 3/8	31 3/8	- 3/8
do pfd.	7 1/4	7 1/8	7 1/4	+ 1/8
Paramount	8 1/2	8 3/8	8 3/8	-
Paramount 1st pfd.	12 1/8	11 1/4	11 3/4	- 1/4
Pathe Film	1 1/8	1 1/8	1 1/8	-
RKO	13 3/8	13 1/8	13 1/8	-
20th Century-Fox	23	22 1/2	23	+ 1/4
20th Century-Fox pfd.	55	55	55	- 2
Univ. Pict. pfd.	4	4	4	-
Warner Bros.	4	4	4	-
do pfd.	4	4	4	-

NEW YORK BOND MARKET

Keith B. F. ref. 6s46	93 3/8	92	92	- 1 1/8
Loew's deb. 3 1/2s46				
Para. B'way 3s55				
Para. Picts. 6s55				
Para. Picts. cv. 3 1/4s47				
RKO 6s41	55	55	55	
Warner Bros. cv. 6s39				
Warner Bros. db. 6s48				

NEW YORK CURB MARKET

Monogram Picts.	11 1/8	11	11	- 1/8
Sonotone Corp.	1 1/8	1 1/8	1 1/8	+ 1/8
Technicolor	1 1/8	1 1/8	1 1/8	+ 1/8
Trans-Lux	3	3	3	-
Universal Corp. vtc.	7	7	7	+ 1/2
Universal Picts.	7	7	7	+ 1/2

N. Y. OVER-THE-COUNTER SECURITIES

	Bid	Asked
Pathe Film 7 pfd.	100	
Fox Thea. Office Bldg. 1st '46	3 1/4	4 5/8
Loew's Thea. Realty 6s 1st '47		
Met. Playhouse, Inc. 2nd deb. '45	63	66
Roxy Thea. Bldg. 4s 1st '57	58	61

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SECURITY

Wilmington Operators Appeal from Picketing Injunction

Wilmington, Del. — Projectionists Local 473, IATSE, has appealed to the Supreme Court of the State of Delaware from a recent ruling of Chancellor William Watson Harrington in the New Castle County Chancery Court. The Chancellor granted the Rialto Theater an injunction against picketing by the union.

The union, through H. Albert Young, attorney, alleges error in the record and proceedings in the Chancery Court action, and a writ was served Wednesday, Sept. 27, on Registrar in Chancery Anthony F. Emory to send to the Supreme Court within 15 days a certified copy of the Chancery record and proceedings.

Pennsylvania Amusement Tax Threat in Fadeout

Harrisburg, Pa. — The possibility that an amusement tax would be enacted this fall at a special session of the Legislature did a fadeout with the Pennsylvania Supreme Court decision upholding the foreign corporation franchise tax.

The tax has netted \$21,000,000 for the past biennium and it is estimated that \$14,000,000 will be collected this biennium. The money will be used to meet relief needs. If the high court had declared the tax unconstitutional it would have been necessary to raise funds through other taxes, and a one-cent amusement tax was one of the means suggested.

Raphaelson Suing Kane; Charges Contract Breach

Breach of contract suit brought by Samson Raphaelson for \$25,000 damages against Robert T. Kane was disclosed in the New York Supreme Court yesterday when an application to examine Kane before trial was filed by the plaintiff. According to the complaint, the amount sued for is due on a contract made in February, 1938, under which the defendant employed the plaintiff as a motion picture scenario writer for 10 weeks at \$2,500 per week.

Kane has interposed an answer in which he denies the charges and claims that he acted in the capacity of agent for New World Pictures, Ltd., in hiring Raphaelson.

Met. Area Circuits Talk Deals for Book Night

Further spread of Book Night in New York theaters was reported yesterday by the Premium Promotion Syndicate, Brooklyn. Dozen or more houses are now using the plan and contracts are being negotiated, in addition to contracts with a large number of indies, it was stated.

At present, the company is using encyclopedias, and a five-volume history of the world. Other book sets will follow.

Settlement Is Expected in F & M-Operators Scrap

St. Louis — At the request of Federal Conciliator William F. White, conferences continued yesterday between representatives of the operators union and St. Louis Amusement Co. in an effort to avert a strike in five of company's string of 28 houses. It was learned that definite progress toward a peaceful settlement of the point in dispute has been made. Company is insisting upon the right to pick its own projectionists.

Harry C. Arthur, Jr., ranking executive here for Fanchon & Marco; C. B. Nelson, personnel director for the Fanchon & Marco theaters, which include the Fox, Ambassador and Missouri in addition to the St. Louis Amusement fleet, headed by the 4,000-seat St. Louis Theater; Conciliator White, Robert Thomsen, President of Local Union No. 143 of the Moving Picture Machine Operators Union, and the two Circuit Court receivers for the local union, William Brandt, Secretary of the Central Trades and Labor Union, and James A. McKeown, are sitting in at the conference.

Levy to Hold RKO Exchange Mgrs. Meet in Detroit Sun.

Jules Levy, RKO Radio's sales chieftain, leaves tomorrow for Detroit where he will hold a conference of Eastern exchange managers for the company on Sunday. Those in attendance will include: E. L. McEvoy, Eastern and Canadian sales manager; Nat Levy and the following branch heads; B. G. Kranze, Albany; R. C. Cropper, Boston; C. Boasberg, Buffalo; B. Pitkin, New Haven; S. C. Jacques, Cincinnati; G. Lefko, Cleveland; F. L. McNamee, Philadelphia and H. H. Greenblatt, Pittsburgh.

Action on Wis. ITPA Agenda Delayed by Maertz's Illness

Milwaukee — All action on ITPA of Wisconsin activities has been postponed for 30 days in view of serious illness of President Edward Maertz. The association is scheduled to meet Oct. 24-25 in Milwaukee for its next confab.

No action was taken on trade problems aired at the current two-day meeting.

Sam Dembow Will Retain F & M Financial Interest

Sam Dembow will retain his financial interest in Fanchon & Marco although he expects to retire from active participation with the company. His resignation has not yet become effective but it is understood that he will make a personal announcement shortly as to his future plans.

"All Quiet" Into Rialto

Universal's "uncensored" version of "All Quiet on the Western Front" is slated to open at the Rialto, Broadway, on Oct. 4.

COMING AND GOING

MURRAY SILVERSTONE, UA chieftain, leaves today for Hollywood to confer with UA producers on new product.

JULES LEVY, RKO sales chief, leaves tomorrow for Detroit to attend the Nat Levy testimonial dinner, and a Sunday meeting named Eastern exchange managers.

ERICH POMMER leaves New York today for Hollywood.

ORSON WELLES arrives from the Coast tomorrow via United Airlines.

WAYNE MORRIS left last night for the Coast via United Airlines.

EDDIE DUCHIN also planed out last night by United for the Coast.

NEIL SULLIVAN, cameraman, leaves this morning by the Clipper for France where he will take up a roving assignment for RKO Pathe News.

ROGER C. CLEMENT of the Paramount legal staff returns from England tomorrow aboard the S. S. Manhattan.

MERLE OBERON arrives from England today on the Nieuw Amsterdam and will leave shortly for the Coast.

KAY SUTTON arrives here from Hollywood Tuesday to play a leading role in Buddy De Sylva's new stage show, "DuBarry Was a Lady."

SAM SAX, English production manager for Warner Bros., arrives here today from London on the Nieuw Amsterdam.

MR. and MRS. GEORGE M. COBEN, winners of Walter Wanger's "Eternally Yours" prize awarded the American couple who have been married the longest time, are en route to New York from their home in Lucas, Iowa.

SPENCER TRACY and GROUCHO MARX, M-G-M stars, arrived in New York yesterday by plane from Hollywood.

PRINCESS MARTHE BIBESCO, novelist, has cancelled her plan to attend the New York premiere of her story, "Katia," having been unable to obtain passage.

Columbia Files on Stock

Washington Bureau of THE FILM DAILY

Washington — Columbia Pictures has filed voting trust certificates with the SEC for 2,627 shares of no par value common to be registered on notice of issuance and 2,627 shares of no par value common stock as underlying securities, to be registered upon notice of their deposit under the voting trust agreement. Shares are to be registered on the New York Stock Exchange.



Best wishes from THE FILM DAILY to the following on their birthdays:

SEPTEMBER 29

Virginia Bruce Irwin D. Rothstone
Billy Bevan Michael G. Kletz

SEPTEMBER 30

George Bancroft Herman Starr
Ralph Forbes Norman Z. McLeod

OCTOBER 1

Alice Joyce Jack Mersereau
G. Keva Marcus

WARNER MUSIC GROUP SIGNS NEW SWPA PACT

(Continued from Page 1)

allocation to songwriters of a minimum of 50 per cent on mechanical rights, whereas formerly the figure was 33 1-3 per cent.

Provision "j" of the new contract form states that upon recording of the composition in synchronization with motion pictures under any bulk or block license heretofore made, the writer or writers shall be entitled to a sum which in no case shall be less than 50 per cent, jointly, of the license fee for each synchronization by the licensee, but in no event less than the following:

For World Wide Use: Entire, in shorts, \$25 for each background instrumental or background vocal use; \$37.50 for each visual instrumental use; and \$50 for each visual vocal use. In features, \$25 for each background instrumental or background vocal use; \$50 for each visual instrumental use; and \$75 for each visual vocal use.

For partial uses, one-half of the foregoing rates prevail.

Call Execs. to Testify In Coast Industry Probe

(Continued from Page 1)

ports of collusion between labor leaders and producers in union activities.

Sid Rogell, studio manager for RKO Radio, had already testified while J. B. Todd of 20th Century-Fox was a witness yesterday.

Among other witnesses testifying before the grand jury were Louis B. Mayer, Ralph Morgan, president of the Screen Actors' Guild, Kenneth Thomson, its secretary, and Robert Montgomery, a former president of the Guild; also Joseph Carpenter and Guy Cooper of the Studio Technicians' Local 37; J. M. McLane, Jack R. Holt and S. T. Stimpfig.

Murray Silverstone to Coast to Confer With Chaplin

(Continued from Page 1)

augmentation of production schedules. He will also spend a good deal of time with Charlie Chaplin on the comedian's forthcoming film, the tentatively designated "Production No. 6."

He will be accompanied by Mrs. Silverstone.

"Maginot Line" Deals Set

Tower Pictures has set "Double Crime in the Maginot Line" to open Saturday in Max Cohen's New Amsterdam theater. Other deals have been closed with the Studio, Philly; the Larkin. Frisco; the Esquire, Hollywood; Warner's DeWitt, Bayonne; the Esquire, Portland, Ore. the Metropolitan, Seattle, and Vogue, Kansas City.

ALONG THE



WITH PHIL M. DALY

● ● ● THAT most welcome of industry signs.....ole SRO..... hung figuratively but distinctly yesterday.....at AMPA's first feed-bag fiesta of the new season.....held in the colonial atmosphere of Stouffer's mansion of mastication.....and to the echo of the Fifth Avenue Coach Co.'s transportation monsters.....The guys and gals stormed the precincts.....the gals slightly outnumbering those in the cast of "All Quiet on the Western Front".....and the guys!.....well, for all practical purposes.....the gathering suggested a Universal sequel..... "A Hundred Men and a Room".....

● ● ● FOR a while before the Paul Lazarus, Jr., gavel-rap.....the intruding host of guests and members.....was so great that it appeared inevitable.....that some of the stalwarts in good "standing".....would have an excellent opportunity to stay that way.....or be racked along with their chapeaux..... It was astonishing attendance.....indicative of a phrase which was used during the later relay-race of speech-making..... to wit, that AMPA is filmland's most durable organization.....

● ● ● THE renowned double-play combo of Tinker to Evers to Chance.....was demonstrated to be as simple in structure as an atom.....and as uncomplicated as an amoeba.....when Prexy Paul spoke briefly on organization matters.....including an exhortation that each member kick in with the annual tariff of ten smackers.....to Treasurer Herb Berg.....(in other words to "give the Devil his dues").....for Prexy Paul introduced Ralph Rolan.....who introduced Gordon White.....who presented Bill Ferguson.....who flipped the ball to Hal Horne (with a slight roll!).....and then the apple.....or more fittingly the Adam's apple.....went successively to Ed Klein, George Harvey, Glen Allvine, John C. Flinn, Paul Lazarus, Sr.....then to Paul, Jr., again and finally to Arthur James.....The "put-out" was completed shortly before three o'clock.....

● ● ● LOU LIFTON, Monogram's promotional pump.....ejects word that company's "Mutiny in the Big House"..... bobbed into the h.o. yesterday.....'Tis the pix in which Charles Bickford plays the role of the prison chaplain.....a far cry from his former "tough guy" characterizations. . . ● A week from Sunday.....the Museum of Modern Art continues its Cycle of Seventy Films.....until Nov. 6.....with showing at 3 and 5.30 p.m. instead of the present 4 p.m. . . ● Ability of music lovers to get tickets for Ascaph's Festival of American Music.....is reported to have reached the "scarcer than hens' teeth stage".....because of the popularity of the concert series opening this Sunday in Carnegie Hall.....

● ● ● PARAMOUNT has a slick nation-wide merchandising tie-up with the Sun Dial Press.....publishers of "Jamaica Inn".....Para. pix starring Charles Laughton.....Publishers have agreed to redeem two types of coupons for copies.....the first type going to purchasers of the book who can use them for b.o. discount.....and the second type going to theater patrons who see the film, "Jamaica Inn".....These grant a discount on the book.....

« « « » » »

NEW YORK MAY HAVE TWO INDIE GROUPS

(Continued from Page 1)

at the offices of New Jersey Allied and, while no statement was issued, it is understood that plans were formulated for a group which would affiliate with national Allied. It also was learned yesterday that Allied members in Syracuse will meet on Tuesday to draft a similar procedure.

It was reported that several of the upstate members of the original New York Allied unit prefer to be linked with a national organization and they plan to co-ordinate their efforts in welding a new body.

Cohen had planned to call a meeting of the state units on Oct. 17 but this plan may be changed.

Warners Setting Tieup With Standard Oil Co.

Warners is negotiating a tieup under which Standard Oil Co. will plug its forthcoming releases through ads in newspapers in 850 cities and towns.

First picture to figure in the arrangement will be "The Private Lives of Elizabeth and Essex" the Bette Davis-Errol Flynn production, with the initial ads to break just prior to its general release on Nov. 11. It is estimated that the copy will reach 15,000,000 newspaper readers.

Supplementing the national newspaper campaign, Standard Oil dealers will distribute photos of Miss Davis and Flynn. More than 35,000 dealers will co-operate in the plan.

30 Documentary Films Will be Shown at Fair

Association of Documentary Film Producers will show 30 outstanding documentary films at the New York World's Fair the week of Oct. 8, it was announced yesterday.

The list includes pictures from Belgium, England, Czechoslovakia, Holland, France, Russia and the United States. Four or five films will be shown every hour between 4 p.m. and 6 p.m. in the Little Theater in the Science and Education Building.

Leichter Takes War Film

West Coast Bureau of THE FILM DAILY

Hollywood—Mitchell Leichter has taken over "He Goes to War," featuring Eleanor Boardman and Rupert Hughes and will cut it down from 10 reels to eight reels. Revised version will be ready in six weeks. Leichter will call on independent exchanges throughout the country.

Loew's Books Col. Short

"The Story of Elias Howe," first of Columbia's new short subject historical series, "Fools Who Made History," has been booked nationally by the Loew Circuit.

TODAY!

Special M-G-M Flash!

"THUNDER AFLOAT" climbed into the Big Hit class. (Typical reports are Flint and Bay City, Michigan, a few dollars less than "Boys Town" and Kalamazoo which beat "Boys Town.") Theatres are stressing timely angle of submarine warfare and how the U-boats are destroyed! Wallace Beery's role best since "Hell Divers" mixing comedy and thrills. Don't spare the big guns in promoting this show. It's profitable!

"THE WOMEN" hold-overs are mounting to a new extended run record. Promotion angles stress the big cast (*Norma Shearer, Joan Crawford, Rosalind Russell and 135 others*), the racy dialogue from the stage hit, the Technicolor Fall Fashion show. Extend the ad budget for this one. Best business in 35 weeks at Capitol, N. Y. (*except "Oz" personal appearances*).

"BABES IN ARMS" is doing "Boys Town" business in the 2nd week of its test engagement in Houston, Tex. This remarkable musical comedy (*Mickey Rooney, Judy Garland and cast of hundreds*) is unanimously rated by all trade press reviewers as unique in show business. M-G-M urges its customers to double ordinary booking time and to be prepared for further extended runs.

"DANCING CO-ED" continues to be the subject of discussion and forewarning! It is important for all showmen to screen it at once to see for themselves what a smash box-office attraction it is. Not since "Dancing Daughters" days has there been a "sleeper" of this type and it too will make a new star—Lana Turner. (Also featured: Richard Carlson, Artie Shaw and Band). A real opportunity for showmanship and profits!

"NINOTCHKA" (don't pronounce it—SEE IT!) Literally it's a shot-in-the-arm for the public! M-G-M is arranging screenings so that you can see for yourself what the famed Lubitsch touch has done for Garbo. She is a new person, laughing, loving, vivacious and flirtatious. (Melvyn Douglas, Ina Claire in grand cast). Lubitsch never made a more down-to-earth comedy, racy, romantic, uproarious, than this affair in Paris. The critics will rave! The public will roar! Get busy!

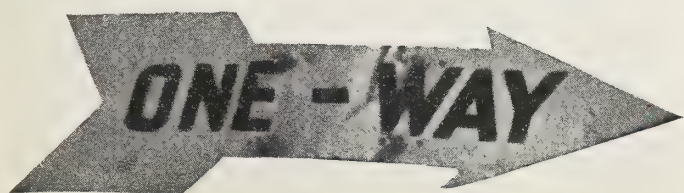
TODAY'S FUTURE HOT TIPS!

"REMEMBER?" (Robert Taylor, Greer Garson, Lew Ayres). It was sneak previewed and wowed the audience. A grand comedy. They'll be watching for Greer Garson after her work in "Goodbye Mr. Chips."

"NORTHWEST PASSAGE". Technicolor. (Spencer Tracy, Robert Young, Walter Brennan). Keep your fingers crossed! Here is one of the industry's greatest adventure thrillers. The studio previewed it in a theatre in rough-cut form. It's sensational.

"ANOTHER THIN MAN". (William Powell, Myrna Loy and Asta). It's shaping up into their best yet! Watch!

More in our next issue of TODAY!



M-G-M

BRIGHT PIX OUTLOOK IN N. W. "TAKES" UP

(Continued from Page 1)

money. Farmers are on a spending spree and how! This agricultural upturn will be felt by better conditions in the cities, villages and communities where the farm buying power goes into action.

Other reasons for a bright outlook are: A new optimism by exhibitors and a trend to higher grosses have already been evident in the later weeks of Summer, and the fact that film product releases for Fall and beyond contain much box-office potentialities.

Cash giveaways are less important in the big cities than heretofore. Bank Night is still operating in most of the towns outside of the Twin Cities of St. Paul and Minneapolis, but with less punch than formerly. However, premiums are making gains.

There is a growing number of houses in the 10,000 to 30,000 towns going in for doubles. In St. Paul and Minneapolis, dual bills are still being offered in the nabes under the guise of Surprise Nights, by which the house adds the bait of a second attraction without the yet reprehensible (in this territory) label of "double feature," in their advertising.

A. W. Steffes, president of Northwest Allied, is leading a fight in behalf of the independents in Minneapolis to secure an ordinance limiting movie programs to two hours and 15 minutes.

If any type of pix deserves top b.o. ranking, hereabouts, it probably is big scale western epics. Star value seems less important than ever, with few able to draw considerably on their own.

Projectionists in Chicago Win 5 Per Cent Wage Boost

(Continued from Page 1)

tlement was satisfactory and that they were well pleased.

Huddles on the situation were called Wednesday night when the operators demanded the theater owners to consider previous requests for an advance in salaries and vacations with pay.

New Ohio Drive-In

Wooster, O.—A new "drive in" open air movie theater has opened at nearby Creston, on Route 3. Owners are C. A. Pierce and S. E. McFarren of Akron. Parking space is provided for 500 cars, the owners report.

Victory for Oomph

Columbia, S. C.—Student body of the University of South Carolina has voted Ann Sheridan its "favorite and oomph girl."

NEWARK NO HOBO HAVEN

Mayor Asks Hays to Prevent
"Adverse Publicity"

Newark, N. J.—No, sir, this is no "tramp town."

And Mayor Ellenstein, aroused by reports that "The Tramp from Newark" was on the Hollywood horizon as a sequel to "Golden Boy," has so advised Prexy Will H. Hays of the MPPDA.

"Regardless of whether the word tramp designates the male or female of the species, Newark has no monopoly on characters of either type and strongly resents any attempt through the motion picture industry to exploit such characters at the expense of Newark," Hizzoner wrote.

After citing police activity that has given the city "the distinction of being a most unwholesome place as the rendezvous of such social parasites," the letter to Hays concludes:

"Under the circumstances, I respectfully and most strongly protest to you against the release of the picture in question which can only serve to bring adverse publicity to this city."

N. Y. Ban on "Ecstasy" Upheld by State Court

Albany—New York censors' ban on "Ecstasy" stays.

The Appellate Division, Third Department, sustained unanimously the motion picture (censorship) division of the State Education Department in refusing to license the pix for public showing.

The members of the court at the opening of the fall term on Sept. 11 view a revised version of the film, and after hearing the argument of counsel reserved decision. Eureka Productions, Inc., producers of the film argued that changes had been made to meet the objections of the censor, and that the censor's rejection of the revised version was arbitrary and unreasonable. It was contended in behalf of the censor that the revised version was practically the same as the original.

Harry Kalmine Again Named

Pittsburgh—The Variety Post of the American Legion here has re-elected Harry M. Kalmine, commander; C. C. Kellenberg, adjutant; James G. Balmer, finance officer; Father James Garrahan, service officer and chaplain; Dr. L. G. Beinhauer, first vice-commander and Joe Hiller, second vice-commander. I. Elmer Ecker is chairman of the executive committee, to which has been added Dr. A. I. Wise and Brian McDonald.

MAYFLOWER PROD'N IN U. S. FORESEEN

(Continued from Page 1)

Laughton company will be able to arrange any necessary financing here, either through banks or through any distributing company with whom they may make a deal. Production would be on the Coast it is understood.

Move by Mayflower to produce here, if it is carried through, may be a forerunner of production in this country by other English organizations who face the same production difficulties abroad that companies still there are undergoing now. A tightening of money and decimation of trained personnel by mobilization makes production in England somewhat difficult at this time, and with the war apparently going to continue for some length of time, further troubles will beset producers abroad if widespread bombings take place.

Selznick to Take 4-Months Leave; May Visit So. Amer.

(Continued from Page 1)

time in New York will be devoted to search for material for his feminine stars, Vivien Leigh, Joan Fontaine and Ingrid Bergman.

If time permits, he will go to South America for a survey of Latin American film markets.

Blatts to Reopen Corry House Dark for 8 Years

Corry, Pa.—The Grand Theater, owned by Blatt Bros., who also operate the Rex Theater in this town along with a chain of other houses throughout Western Pennsylvania, will be remodeled, enlarged and refurnished. The Grand has been closed for the past eight years and will be reopened Thanksgiving Week.

Orders Auten to Testify

Harold Auten was ordered yesterday to testify before trial on Oct. 10 by New York Supreme Court Justice Thomas Noonan on application of the trustees for Societe Pathe Cinema S.A., who are suing Auten for \$196,872 under a contract made in April, 1933. A counter-claim has been raised by Auten asking for \$17,500 for allegedly selling product of the plaintiff to RKO.

Gets Treasury Post

Pittsburgh — Miss Mary Alice Brown, who has been employed at the local Paramount exchange for the past three years, has just received a government appointment in the Treasury Department at Washington. Prior to her leaving here within the next two weeks her fellow employees at Paramount are staging a farewell party in her honor.

REOPEN STUDIO WAGE ISSUE NEXT MARCH

(Continued from Page 1)

tive date of the contract. Pact is retroactive to Aug. 12 when the IA-producer "closed shop" agreement was reached.

At the March conference, the producers will review conditions affecting the industry, principally the returns from the foreign market, and will either ask for help by way of wage reductions or will admit that such relief is unnecessary.

Bernstein, Greenthal Winners in Charity Drive Tourney

(Continued from Page 1)

Amusement Division of the Federation of Jewish Charities. Major Albert Warner acted as host for the competition which was described as a recreational get-together prior to the launching of the Federation's new drive.

Monroe Greenthal, UA promotion solon, was locked in a tie with Bernstein for low net award, but lost the toss for the trophy. However, there was copious compensation, for he annexed the low gross with a 79.

Other award winners in the low net bracket were Samuel Straussberg, 83; Eugene Picker, 81; Herman Robbins, 78; Marvin Schenck, 78; Harold Rinzler, 72; Oscar Doob, 76; Arthur Israel, 74; Sam Shain, 78; Sam Rinzler, 70; Milton Weisman, 70; and Leopold Friedman, 79.

Abe Kronenberg found his assistantship to Major Albert Warner a temporary "handicap," for although he shot a 73 net, he was declared ineligible for a prize. Major Warner is co-chairman of the Amusement Division of the Federation of Jewish Charities drive, with David Bernstein.

Tourney got under way at 10:30 a.m. and wound up with a gala dinner in the clubhouse.

RKO Execs. Will Attend Nat Levy Detroit Dinner

(Continued from Page 1)

is being transferred to the Philadelphia area. Levy is being succeeded in Detroit by Walter Branson, Chicago district manager. A testimonial dinner for Levy will be held in Detroit tomorrow night.

Jules Levy, Ed McAvooy and H. M. Richey will represent the home office at the banquet. Others to attend include George Lefko, Cleveland; H. H. Greenblatt, Pittsburgh; Izzy Rappaport, Baltimore; Charles Boasberg, Buffalo; Jay Emanuel, Philadelphia, and Walter Branson.

STORKS!

Pittsburgh—It's a 7½ pound boy for the Joseph Daughertys. Father is shipper for the local Republic exchange.

What?

picture will take show-
men and their records on
a joyride thru the clouds
with the highest enter-
tainment values ever seen
in a romantic comedy?



RELEASED
OCTOBER
12

Answer: Every dollar of Walter Wanger's top production budget glitters from its scenes of laughter and heartbreak, brilliantly played by the seasons' biggest 9-STAR cast to make the profits **ETERNALLY YOURS.**



WALTER WANGER presents

Eternally Yours

starring

LORETTA YOUNG • DAVID NIVEN

with HUGH HERBERT • BILLIE BURKE • C. AUBREY SMITH
BRODERICK CRAWFORD • ZASU PITTS • VIRGINIA FIELD • RAYMOND WALBURN
A TAY GARNETT Production • Original screenplay by GENE TOWNE and GRAHAM BAKER
Directed by TAY GARNETT • **RELEASED THRU UNITED ARTISTS**



REVIEWS OF THE NEW FILMS



"Irish Luck"

with Frankie Darro, Dick Purcell, Lillian Elliott

Monogram 58 Mins.
ALL-MADE AND EXCITING PIX WITH DARRO AT HIS BEST AND PACKING WIDE APPEAL.

Plenty of action centering around young Frankie Darro, in the role of an amateur detective, commends this latest of his starring vehicles to his present bevy of fans, and is certain to win him a new crop of admirers, since the picture is strong on general appeal. It is both clean, rapid-fire adult entertainment, and the type of film which is bound to please the younger generation. Frankie, as the irrepressible "investigator" of anything and everything of an unusual character which happens in the hotel where he is a bell-hop, gives a lively performance which is climaxed by his success in smashing a hot bond racket, although his path to glory is strewn with hurdles. The plot of the story is smoothly fashioned and relates exciting happenings growing out of the murder of a hotel guest. Suspicion for the slaying falls upon Sheila Darcy, whom Frankie succeeds in extricating from the hotel and subsequently from her dilemma. The big thrill scene is when Frankie finds himself facing death at the hands of the true murderer. The supporting cast is thoroughly adequate, Mantan Moreland supplying some good comedy as the colored porter. Howard Bretherton's direction is solid, and the footage clearly and interestingly photographed by Harry Neumann. It's the best Darro to date.

CAST: Frankie Darro, Dick Purcell, Lillian Elliott, Sheila Darcy, Dennis Moore, Mantan Moreland, Howard Mitchell.

CREDITS: In Charge of Production, Scott R. Dunlap; Associate Producer, Grant Withers; Director, Howard Bretherton; Camera-man, Harry Neumann; Sound, Karl Zint; Technical Director, E. R. Hickson; Editor, Russell Schoengarth; Screenplay, Mary C. McCarthy, based on the story, "Death Hops the Bells," by Charles Molyneaux Brown.

DIRECTION, Solid. PHOTOGRAPHY, Good.

Pollock to Head Publicity for Wire Broadcasting Corp.

Appointment of Leo A. Pollock as director of public relations was announced yesterday by J. R. West, president of Wire Broadcasting Corp. of America. Pollock, who will make his office at 250 W. 57th St., left the public relations department of the New York World's Fair, where he was assignment editor, to join Wire Broadcasting.

The first radio editor named by the New York Evening Journal, Pollock later became drama and film editor of that newspaper. He also served Hearst as director of publicity for Cosmopolitan Productions and as editor of International Newsreel.

Buys Ashtabula Theater

Youngstown, O. — Billy Thomas, for many years manager of the Elks Club here, has purchased the 600-seat Harbor Theater at Ashtabula.

"Everybody's Hobby"

with Henry O'Neil, Irene Rich

Warners 54 Mins.
NEWEST FILM FAMILY TO HIT THE SCREEN WILL AMUSE THE NEIGHBORHOOD FANS.

The latest addition to the screen families now in existence will serve nicely as nabe fare. The cast is amiable and believable, and the story itself has enough action and comedy to make it plausible. Henry O'Neil appears as Tom Leslie, with Irene Rich as his wife. Jackie Moran and Jean Sharon fill the youngster roles and Aldrich Bowker is the uncle. The title, in the case of this picture, has some significance as each member of the family has a hobby, and thereby hangs the story. O'Neil, editor of a small town paper, is faced with the necessity of either bowing to the policies of a new publisher, policies which he does not hold with, or losing his job. Irene gets him to buy a lot of new camera equipment and go away on a camping trip with son Jackie. Jackie is a short wave radio fiend. The camping trip turns out successful as Jackie saves the day with his radio set when all communications break down after a devastating forest fire gets under way, and O'Neil uncovers an escaped criminal with his camera. The paper is also provided with news. The new publisher reaches an agreement with O'Neil and everybody is happy.

CAST: Irene Rich, Henry O'Neil, Aldrich Bowker, Jane Sharon, Jackie Moran, John Ridgely, Peggy Stewart, Jackie Morrow, Fredric Tozere, Albert Morin, Nat Carr, Sidney Bracy, Jack Mower, Don Rowan.

CREDITS: Warner Bros. Production; Director, William McGann; Screenplay, Kenneth Gamet and W. W. Brockway; Original Story, W. W. Brockway; Cameraman, Sid Hickox; Editor, Frank Magee.

DIRECTION, Pleasing. PHOTOGRAPHY, Good.

Ray C. Coley Fatally Crushed Beneath Auto

Little Rock, Ark.—Ray C. Coley, 38, until recently assistant resident manager for the Ark. Amusement Corp. was injured fatally when he was crushed under his own automobile. The car had been placed on jacks and Coley was under it making some repairs when the machine fell on him.

Before coming to Little Rock 14 years ago, Coley was in the theater business in Jackson, Tenn.

Surviving are his widow, a son, Curtis; a daughter, Jo Ann; a sister Miss Marion Coley, all of Little Rock, and three brothers, Curtis of Marion, Inc., A. J. of Houston, Tex., and Tyrol Coley of Fort Sill, Okla.

Denial by Bill Castay

New Orleans—Bill Castay, head of the Louisiana Motion Picture Exchange denies he is connected with Lou Langlois in operation of a chain of small houses in Mangouin, Woodville, Fayette, Patterson.

☆ FOREIGN ☆

"Scipione L'Africano"

(Scipio Africanus)

with Annibale Ninchi, Camillo Pilotto, Isa Miranda

Esperia Films 105 Mins.
LAVISH PRODUCTION OF SECOND PUNIC WAR RANKS AMONG BEST IMPORTS FROM ITALIAN STUDIOS.

Produced on a lavish scale, with at least 6,000 extras employed in the battle scenes, this new Italian film using the second Punic War as a background, is probably the most pretentious film that has ever been turned out by the Italian studios, and it ranks among the best. The cast is good, the direction is good and the backgrounds are excellent. Apparently the Italian production heads took the wrapper off the bank-roll when this was made as it ranks in the super-super class of colossal productions. Isa Miranda, Annibale Ninchi, as Scipio, Camillo Pilotto, as Hannibal, Fosco Giachetti, as Massinissa, and the remainder of the cast handle their roles well. Story deals with the second Punic War, opening with Scipio's futile pleas to the Roman Senate for an army to fight Hannibal. It goes on from there to a dramatic climax with the famous battle of Zama being re-fought. Elephants, props of the period, and everything else have been added to this spectacle to make it authentic in every respect.

CAST: Annibale Ninchi, Isa Miranda, Camillo Pilotto, Fosca Giachetti, Francesca Braggiotti, Memmo Benassi, Carlo Lombardi, Marcello Spada, Piero Carnabucci, Ciro Galvani, Marcella Giorda, Carlo Ninchi, Lamberto Picasso.

CREDITS: Consorzio Scipione Production; Director, Carmine Gallione. Presented at the Cinecitta Theater with Italian dialogue and no English title.

DIRECTION, Good. PHOTOGRAPHY, Good.

"Nincsenek Veletlenek"

(Everything Has a Reason)

with Ida Turay, Laszlo Szilassy
Hungaria Pictures, Inc. 87 Mins.
AMUSING COMPLICATIONS IN DOMESTIC TRIANGLE WILL PROVIDE LAUGHS.

Latest film from the Magyar studios should amuse the Hungarian audiences with its merry complications. A pleasing cast takes good care of the characterizations and the film is well paced. Ida and a local druggist, just married, stop in a hotel for the night, but among the wedding presents is a ring with a note thanking the lady for past happiness. The groom accuses Ida of having a past and she sets out to find out the why and wherefore of the ring. She discovers that the ring was sent to an actress who had adjoining rooms, but was delivered to her by mistake. By the time everything is straightened out Ida has fallen for Szilassy, the sender of the ring, and the groom and actress are left stranded.

CAST: Ida Turay, Laszlo Szilassy, Jozsef Juhasz, Blanka Szombathelyi, Margit Arpad,

☆ SHORTS ☆

"The Battle Fleets of England"

(March of Time)

RKO Radio 20 mins.
Timely and Dramatic

The first bulwark of defense that has protected England from invasion, starved her enemies by blockades, and helped to build and then protect the far-flung empire over which the flag of England waves, is the English navy. This reel is particularly timely as newspapers are filled with stories of raids on the British fleet, of submarines being sunk by English ships and a slowly tightening blockade of German sea lanes being enforced. The film is done without any flag waving or unnecessary fanfare. It is dramatic and direct in the story it unfolds. Here is the English fleet in all its power, the strongest naval force that has ever been seen on the high seas, and it should prove to be particularly interesting and comforting for any member of the English Empire to see. The reel shows the training of the English navy, from the time apprentice seamen of tender years join the navy, to the time they become full-fledged sailors and officers in England's sea forces. Training of cadets is shown, we see the Dartmouth officers' school, and then the positions the English navy occupies on the high seas today. One division protecting the Oriental interests of the nation, another guarding the Mediterranean sea lanes and the Suez Canal, and the grand battle fleet blockading the North Sea. Maneuvers are shown, also Hong Kong and Gibraltar defenses, and the firing of shells, torpedoes and depth bombs by the warships. The March of Time organization deserves applause for bringing this subject to the screen at this time, and in an outstanding fashion.

"A Day On Treasure Island"

(FitzPatrick Traveltalk)

M-G-M 10 mins.
Exposition In Technicolor
First of the James FitzPatrick Traveltalk series for the 1939-40 season shows the San Francisco Golden Gate Exposition in Technicolor. People throughout the country who have not had the opportunity to attend the Exposition will get an excellent idea of what comprises famed Treasure Island in this film. It opens with a skyline shot of the bay city with Treasure Island in the distance. Moving onto the Exposition grounds the short takes us to the court of nations, the midway and all the other sights to be seen.

Sandor Tompa, Bela Mihalyffy.

CREDITS: Hunnia Master Film Production; Director, Istvan Bekeffy. Presented at the Modern Playhouse with Hungarian dialogue and no English titles.

DIRECTION, Good. PHOTOGRAPHY, Good.

THEATER CHANGES

Theater Closings—Openings—New Houses—Renovations—Ownership Changes

A Nation-wide Survey of Theater Conditions Conducted Exclusively for THE FILM DAILY by
ROSS FEDERAL SERVICE, INC.

Theater Closings

MISSISSIPPI

North Carrollton—Carroll (9-1-39); Owner: J. C. Alexander; Dismantled.

MISSOURI

Maryville—Tivoli (9-17-39); Owner: C. E. "Doc" Cook; New Theater to be opened one block west.

NEW YORK

Fleischmanns—Whipple (9-15-39); Owner: Kallet Circuit; Only open for summer months.

OKLAHOMA

Enid—Criterion (8-26-39); Owner: Griffith; lease expires.

WISCONSIN

Green Bay—Grand (Sept., 1939); Owner: Standard Theaters Co.; For renovation purposes.

Theater Openings

IDAHO

Burke—Burke, approximately 200 seats, (9-8-39); Owner: Simons Amusement Co.; House Manager: Lenie Amato.

MICHIGAN

Wyandotte—Majestic, 1,500 seats, (9-20-39); Owner: Associated Theaters; previously closed May, 1939.

Flint—Garden, (9-15-39); Owner: Butterfield Circuit; previously closed May, 1939.

Lansing—Gladmer, 1,200 seats, (10-12-39); Owner: Butterfield Circuit; previously closed May, 1939.

Pontiac—State, 1,800 seats, (9-30-39); Owner: Buller; previously closed May, 1939.

NORTH CAROLINA

Enfield—Levon, 300 seats (about Sept. 15th); Owner: Mr. Overton.

Rebuild Detroit Cameo At Cost of \$200,000

Detroit — Bennett and Straight, theatrical architects, have the contract for rebuilding of the Cameo Theater for Flucksa and Stoica, enlarging it to 2,000 seats. Work is to be completed Dec. 1, at a cost of \$200,000. Philip Gorelick has the general construction contract.

TMAT-Raybond Hearing Off

Hearing on the TMAT-Raybond Theaters case, scheduled to be heard yesterday before the State Labor Relations Board, was postponed to Monday.

OHIO

Cleveland — Penn Square, 750 seats (9-30-39); Owner: Artcinema Theaters; Previously closed approximately 5-1-39.

Alliance—Ohio, 250 seats (September 1939); Owner: Robert Herkimer; House Manager: Robert Herkimer.

PENNSYLVANIA

Twin Rocko—Palace, 280 seats, (10-1-39); Owner: Commercial Coal Co.; House Manager: James Sabella; previously closed 1927.

UTAH

Saaland—Garland, 300 seats, (9-10-39); Owner: Glen Lawrence; previously closed in May or June.

WISCONSIN

Milwaukee — Ogden, 537 seats (Sept. 1939); Owner: Fox Wisconsin Amusement Corp.; Previously closed June 1939.

New Theater Openings

ALABAMA

Mobile—Azalea, 750 seats (8-2-39); Williams at Old Government; House Manager: J. H. King.

MICHIGAN

Grosse Point—Esquire, 900 seats, (9-14-39); 15311 Jefferson; House Manager: Geo. Sampson.

MINNESOTA

Wolverton—Meyers, 200 seats, (9-3-39); House Manager: Meyers.

MONTANA

Drummond—Pix, 200 seats, (8-20-39); House Manager: F. W. Horrigan.

WISCONSIN

Oshkosh—Mode, 500 seats (7-28-39); Builder: K. & H. Amusement Co.

To Do "Silas Marner" Again

Director Frank P. Donovan having finished "The Dictators' Lullaby," a burlesque on dictators to be released immediately, will next do a re-make of "Silas Marner," the George Eliot classic which he made as a silent film for Pathe. Billy Bitzer photographed "The Dictators' Lullaby" and will photograph "Silas Marner" on the West coast. Imperial Pictures will distribute.

Shot Hits Exchange Steno

Indianapolis—Firing at a suspected thief Detective Willis Thompson, accidentally wounded Alice Sparks, stenographer for Big Feature Rights Exchange.

Theaters Planned

LOUISIANA

Piaquemine — Osage, 1,000 seats, residential section; Builder: Lionel Delocroix; Cost: \$50,000; Operator: S. H. Daigre.

MICHIGAN

Detroit—Van Dyke, 800 seats, Near present Eastown; Builder: Moss Inn Co.

Detroit — New, 1,200 seats, Jefferson Ave. and River Rouge.

OHIO

Cincinnati—Time, 750 seats, 6th and Walnut; Architect: H. M. Price and J. Ebersson.

Renovations Planned

IOWA

Cherokee—American; Work Planned: Complete remodeling; Owner: Dale R. Goldie.

NEW YORK

Gloversville—Glove; Work Planned: Complete extensive remodeling; Owner: Schine Enterprises; To be completed 10-6-39.

PENNSYLVANIA

Johnstown—Rialto; Work Planned: Addition being built to increase the seating capacity; Owner: Joseph Farkas; To be completed in near future.

WISCONSIN

Washburn—Rex; Work Planned: Heating and ventilating system, new front; Owner: H. A. Stubfors; To be completed 9-22-39.

Brillion—Auditorium; Work Planned: Complete modernization; Owner: Ray Pfeiffer; to be completed soon.

Oshkosh—Star; Work Planned: Complete renovation; Owner: H. K. Timm; To be completed November, 1939.

Theaters Under Construction

KENTUCKY

Albany—Clinton, 400 seats, Tenn St.; Owner: Hassler & Nunn; To be completed 11-1-39.

OHIO

Cincinnati—New, 750 seats, West side of Linwood Rd.; Builder: J. M. Jackson Realty Co.; Architect: S. S. & G. H. Godley; Operator: Mt. Lookout Theater Co.; to be completed Feb., 1940.

TENNESSEE

Adamsville—New, 400 seats, Main St.; Builder: Local Contractor; Operator: Sibley & Yancy; to be completed 11-1-39.

TEXAS

Ft. Worth—White, 1,200 seats, Hemphill & Berry; Cost: \$75,000; Operator: M. S. White.

Change in Ownership

ARKANSAS

Gurdon—Wright, transferred to K. Lee Williams Theater Corp. by G. Sterling; House Manager: R. B. Hardy.

WISCONSIN

Washburn—Rex, transferred to H. A. Stubfors by Edward Mitchell. West Salem—Salem, transferred to West Salem Theaters, Inc., by M. Cullman; House Manager: M. E. Walker.

TEPA Elects Houck

Harrisburg Pa. — Henry Houck, Colonial Theater was elected president of the Theatrical Employee Protective Association. Other officers elected include: Gene Plank, of the Rio Theater, vice-president; Mary Ellen Hatfield, State, secretary; Sarah First, Rio, treasurer, and Spasi Todorov, State business agent.

Mich. Film Library Moves

Detroit — Headquarters of the Michigan Film Library have been moved by Manager Alban J. Norris from the Insurance Exchange Building to 15745 Rosemont Road.

AMPP Cutting Personnel As Result European War

West Coast Bureau of THE FILM DAILY

Hollywood—Carrying out instructions from a committee of producers, Frederick W. Beetsen, executive vice-president and secretary of the AMPP, notified a number of his staff of impending reduction in pay and personnel. Reason for salary cuts and loss of jobs, Beetsen said, developed from the tremendous slash in the industry's revenue caused by the war.

Pay cuts will not affect persons receiving \$50 per week or less, and each person not remaining on the payroll will be given a month's notice.

NEW FAVORITES

EASTMAN'S three great new films back up their special characteristics with typical Eastman reliability and uniformity. Worthy successors to earlier Eastman emulsions, they are the new raw-film favorites of the motion picture industry. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN

PLUS-X

for general studio use

SUPER-XX

for all difficult shots

BACKGROUND-X

for backgrounds and general exterior work

THEATERS

- CARPETING
- COOLING EQUIPMENT
- PROJECTION

EQUIP

BEVERAGE DISPENSER FOR FILM THEATERS

Film theaters now have available to them a new and ingenious type of beverage dispensing machine, embodying the best features of modern design, mechanical simplicity and craftsmanship.

The machine, known as the "Thirst Quencher," and manufactured by Beverage Dispensers, Inc., of 522 Fifth Ave., New York, dispenses a drink speedily, efficiently and in generous quantity.

Upon insertion of a nickel, a freshly carbonated Coca-Cola, chilled to a temperature below 40 degrees, is automatically concocted inside the machine. Simultaneously a sanitary drinking cup is dropped upon a chromium platform, and a stream of sparkling Coca-Cola fills it to the brim.

The taste, temperature and quantity is as consistent as the popular drink for which this machine was designed. A patented coin detector rejects all slugs before they reach the coin chute, and conveniently deposits them in a specially-made "coin return" slot.

Each drink is registered by a meter, and the mechanism throughout the entire machine is as trouble-proof as highly-developed engineering can make it.

Within the attractive cabinet of steel are shafts holding 200 sanitary cups, purity reservoirs holding respectively two gallons of syrup and eight gallons of water, resulting in a capacity of 226 drinks which are perfectly carbonated via a tank and mechanism for this purpose. The cabinet is 72 inches high, 27 wide and 18 deep, and weight is 350 pounds empty, and 575 loaded.

Donald M. Forgan is president of Beverage Dispensers, Inc.; Henry B. Stimson, secretary and treasurer, and B. A. Needham the vice-president and sales manager.

\$125,000 Improvement For Cameo at Detroit

Detroit — The Cameo Theater, North End house of George Flucksa and William Stoica, is to be completely remodeled. House will have 1,500 seats, practically doubling the present capacity. Cost of building and equipment is estimated at \$125,000. Bennett & Straight, of Dearborn, are the architects.

Mitchell In Whitesboro

Dallas — Work on remodeling a building on the south side of Main St. in Whitesboro to house a film theater has been started by Tom Mitchell, who has been in the show business in Denton.

Glass Theater

Lee, Mass.—Miss Elizabeth Formento has awarded the general contract for the new 700-seat Lee Theater to Graves & Hemmes, Inc., of Great Barrington. Theater will be completed about Feb. 15. The structure will be one-story of Cararra glass, modernistic and will be air-conditioned. Miss Formento is interested also in the Park Theater here.

RCA Photophone Equipment Goes Into Many Theaters

RCA Photophone's sound equipment is currently being installed in many theaters throughout the country.

Included in the long list of present contracts are installations ordered by the Madison, Detroit; the Pix, new Brandt circuit house on New York's 42nd St.; the Grand, Orlando, Fla.; the Cleveland and the New Texas, in Cleveland and Bay City, Texas, respectively; the Florida, West Palm Beach; Orpheum, Green Bay, Wis.; Uptown, Muscatine, Iowa; the Lake, Lake Worth, Fla.; the Lord Calvert, Baltimore; the Crystal, Brooklyn; Broadway, Yonkers; Plaza, Youngstown; and the new 450-seater rising from the ashes of the burned Fox at Meade, Fla.

Paramount's branch in Atlanta is also installing RCA Photophone sound equipment in its preview room.

Considerable Replacement Orders for Gen'l Seating

General Seating Co. reports consistent volume sales of theater chairs under stimulus of the Fall season, which is accounting for considerable replacement orders.

Among the most recent installations are for the Dixon Theater, Dixon, Ill.; Marlow's Theater, Heroin, Ill., and the Lyric East Prairie, Mo., the latter two purchases having been effectuated by the houses through L. T. Rockenstein Co. of St. Louis.

Through the Western Theater Equipment Co., Butte, Mont., the New Theater, in nearby Drummond, has purchased the latest type General Seating chairs.

New Storm Lake House

Storm Lake, Ia. — Remodeling work is being done on the Empire Theater building preparatory to the opening of a third movie house in Storm Lake. George Norman moved out of the building a year ago while opening the new Vista. Norman will run the new house.

Photophone Installation

Detroit—RCA Photophone is being installed in the Times Square Theater, with Simplex projectors. House is being prepared for opening by the Jack Broder Circuit.

NEW ORLEANS HOUSE HAS NOVEL FEATURES

New Orleans — The Circle, this city's latest de luxe \$125,000 nabe, opened this week.

Due to location and the shape of the lot upon which it stands, the building combines new architectural features. It is broad in front and narrows down in the rear to meet the limitations of a triangular site which gives it three excellent approaches. Originally, plans called for a stadium construction, but they were later changed to provide a balcony which has more seats than an orchestra floor.

The house is modern in design, simple, with the walls in natural stone color and the ceiling a combination of cream, green and rose tints. Hangings harmonize. Lighting is provided by neon-tubed troughs, with fluorescent lights in the lounges and lavatories. All hangings, booth equipment, carpet, seats, etc., is by National Theater Supply; air conditioning by Frigidaire; sound by RCA Photophone. Architect: Eugene Gibert; Contractor: Herman T. Makosfy; Electrical fixtures and fronts: Industrial Electric Supply.

The Circle is owned by Jadell Theaters, Inc., which brings together Henry Lazarus, successful operator of two theaters, and Jack Dicharry, owner of the last steam packet on the Mississippi and of the Lincoln Theater for negroes.

Jagmin Decorates Five

Detroit—T. J. Jagmin & Co. is completing decorating of the new Motor City Theater at Van Dyke for William A. Schulte, and the new Shafer at Garden City for Walter D. Shafer, as well as redecorating of the Eaton at Charlotte for Cass R. Beechler.

Jobs are about to start on the Your Theater in Detroit for DeLoder Circuit, and the Roseville at East Detroit for Jeff Williams.

Improvements In Arkansas

Little Rock, Ark. — Recent improvements at theaters in this state include a new Neon sign for the marquee at the Lyric, Harrison; interior and exterior of the Strand, Paris, is being remodeled and new marquee installed; Conway Theater, Conway, has installed 425 new seats at a cost of \$3,000, seating capacity at the Grand, Conway, is also being enlarged.

M T E Gets Rialto Order

Bridgeport — Modern Theater Equipment will install new booth equipment in the Rialto Theater, Strand Amusement Co. theater.

SIXTY YEARS Role of Electric Illumination

By ROBERT

Nela Park Engineer

(EDITOR'S NOTE: This is the first of a series of articles dealing with the advances effectuated in the art and science of theater lighting since the advent of the incandescent lamp.)

WHEN the incandescent lamp made its appearance in the Fall of 1879 it at once captured the imagination of theater men who had long been searching for a better way to light their stages and theaters. At that time practically all of the large and up-to-date playhouses were lighted by gas, an illuminant that offered advantages over previous and other contemporary flame sources but which, nevertheless, was far from being a thoroughly satisfactory light source.

Gas could be controlled to a certain extent—indeed, to an extent impossible with oil lamps or candles—but its installation was complicated, bulky, and expensive, and there was always the danger of fire. Other undesirable characteristics were the heat generated and the oxygen consumed. And then on top of all these disadvantages and more important than any of them was the plain fact that gas lighting did not provide enough light for the most effective sort of performance.

It was not surprising then, that the theater was quick to recognize and to exploit the advantages of electric lighting.

Which theater was the first to install electric lighting with incandescent lamps apparently is undetermined, but it is a matter of record that the new system was put into use in the Paris Opera in 1880, less than a year after Edison had produced his first successful lamp. The following year found electric lighting in the Savoy Theater in London and the year after that in the Brno Theater in Austria. In 1882 at the Electrotechnical Exposition at Munich a small experimental theater was completely lighted with incandescent lamps. So successful were the results that worldwide interest in the new illuminant was aroused.

MENT

STUDIOS

- FURNISHINGS
- SCREENS
- SOUND SYSTEMS

SOFT LIGHTING

Elimination in Theaters

ERRY MORRIS

Dept., Cleveland

BUT theaters in this country did not wait for Europe to point the way. During the first few years after the introduction of the "bottled" light, installations were made in the People's Theater, New York, in the Halsted Street Academy of Music, Chicago, in Boston's Bijou Theater, and in the Baldwin Theater, San Francisco. And shortly after these pioneering installations were made the spread of electric lighting in theaters became too rapid to keep track of it.

Edison's first successful lamp was composed of a high resistance carbon filament in a high vacuum within a completely enclosing glass globe having all joints sealed by a fusion of glass. The filament was heated to incandescence by the passage of an electric current conducted to it by wires which passed through the glass stem supporting the filament.

Although innumerable improvements and refinements have been made in incandescent lamps during the 60 years that have elapsed since Edison filed his basic patent application, today's incandescent lamps have practically all of the essential features incorporated in the first successful lamp.

For many years the carbon lamp was the best and most efficient practical light source obtainable. But many a scientist devoted his time and energy to the search for a better material from which to make filaments. Tungsten, because of its high melting point, was tried again and again, but it proved to be an obstinate metal and not well adapted to being fashioned into a hair-like filament.

FINALLY, in 1905, Dr. Willis R. Whitney, head of the Research Laboratory of the General Electric Company at Schenectady, introduced a lamp with a metalized carbon filament. It was known as the Gem lamp and operated at 25 per cent higher efficiency than the regular carbon lamp, or about 4 lumens per watt.

The following year the first suc-

NEW STAINLESS STEEL LUMBER FOR THEATERS

Pittsburgh—Considerable interest is rife here in technical circles with respect to the newly-introduced Stainless Steel "Lumber" which is the product of the local Allegheny Ludlum Steel Corp., through its Ludlite Division in Watervliet, N. Y. The new "lumber" is known as "Ludlite Bord" and combines the advantages of stainless steel with load carrying ability. It is easily fabricated and economical for both indoor and outdoor application.

Since "Ludlite Bord" absorbs sound and so has excellent acoustic properties, in addition to offering great resistance to denting or marring by impact, its use in film theaters is being carefully weighed by architects, who are attracted to the material because of its possibilities for interior structural and decorative use, particularly for wainscoting, to which the four-foot lengths are especially suitable.

The material comes in another size of standard panel, an eight-foot length for wall surfacing. Ease of maintaining the surface in attractive, sanitary condition is another attribute commending its use in film theaters.

New product consists essentially of thin sheets of the well-known Allegheny Metal (18-8 stainless steel), permanently bonded to an inert mineral backing material to form strong, rigid panels. The permanent and highly reflective steel facing reflects about 90 per cent of all heat rays directed at it, while the backing material has high thermal insulating value. It is immune to high humidity, is fireproof and fully weather-resistant. Additionally, it may be sawed into shapes readily with an ordinary hand saw, and sheared as easily as plain sheet metal and drilled as readily as ordinary hard wood.

Successful metal filament lamp appeared on the market. This was the tantalum filament lamp developed by Dr. Werner Von Bolton, a Russian chemist. The lamp had an efficiency of 4.8 lumens per watt, an appreciable advance over the Gem lamp. Tantalum filaments, however, had their shortcomings. Since the metal has a relatively low electrical resistance, filaments for 110-volt lamps had to be long and thin. This, of course, made them rather fragile, and in addition it was found that although the lamps gave good results on direct current circuits, the filament soon crystallized and failed when the lamps were operated on alternating current.

Lighting Innovation

Cincinnati — New ideas in theater lighting will be carried out in the new RKO Grand Theater, now under construction on site of old Grand Opera House, downtown. New Fluorescent tube lighting, developed for the World's Fair is included in plans drawn by Associated architects, Frederick Garber of this city, and John Ebersson, New York City. Frank Messer & Sons, are general contractors and Belshoover Electrical Co., will install the electrical work.

Rodgers Circuit to Build \$100,000 Illinois House

Carbondale, Ill.—Plans have been completed for the new 1,100-seat, \$100,000 theater and store building to be erected here by the I. W. Rodgers Circuit of Theaters of Cairo. Contract has been awarded to Edgar Stephens of Cairo.

The plans prepared by O. W. Stiegemeier, St. Louis architect, call for a building of brick and hollow tile construction, with concrete foundation, structural glass and aluminum trim front, steel joists, steel deck, modern air-conditioning, etc.

GENERAL REGISTER'S SALES BRISK--FINKE

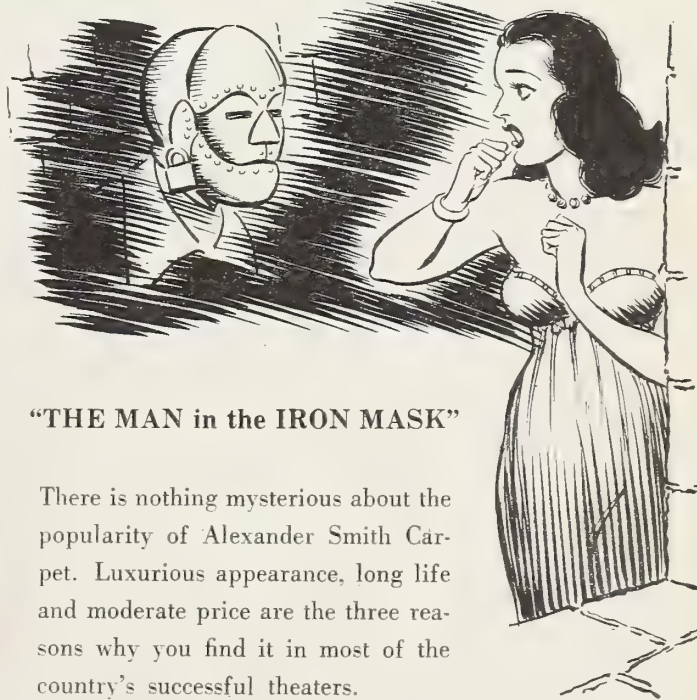
Chicago—D. H. Finke, vice-president of General Register Co., states here that business is unusually brisk on company's secret-control Automatic registers.

Numerous sales, he asserts, have been made to leading circuits and indie operators, and that among the recent installations have been for B & K, Butterfield circuit, St. Louis Amusement Co., Indiana and Illinois Circuit, Fox Midwest Theaters, the Schoenstadt and Kerasotes circuits, and numerous others.

Business outlook for the autumn and winter months is characterized by Finke as excellent.

Remodeled El Rey Opens

Oakland, Calif.—The El Rey Theater, formerly the Plaza, has reopened following a \$50,000 remodeling program by the owners, Herbert Bluechel and Paul Aglietti. Complete new equipment includes RCA sound equipment, new cooling, ventilating and lighting systems, new drapes, stage hangings and curtains.



"THE MAN in the IRON MASK"

There is nothing mysterious about the popularity of Alexander Smith Carpet. Luxurious appearance, long life and moderate price are the three reasons why you find it in most of the country's successful theaters.

ALEXANDER SMITH CARPET

It'll be **SRO** with **"RIO"**

THE THOUGHTS OF THE COUNTRY
ARE TURNING SOUTHWARD...AND
SOUTHWARD LIE THE SCENES OF
THIS SPELLBINDING STORY...

Of a fascinating plunderer... of
the lady whose fatal beauty sent
him to a tropic penal cell... of a
drifting young American who won
the love that the other man had
committed murder to keep!

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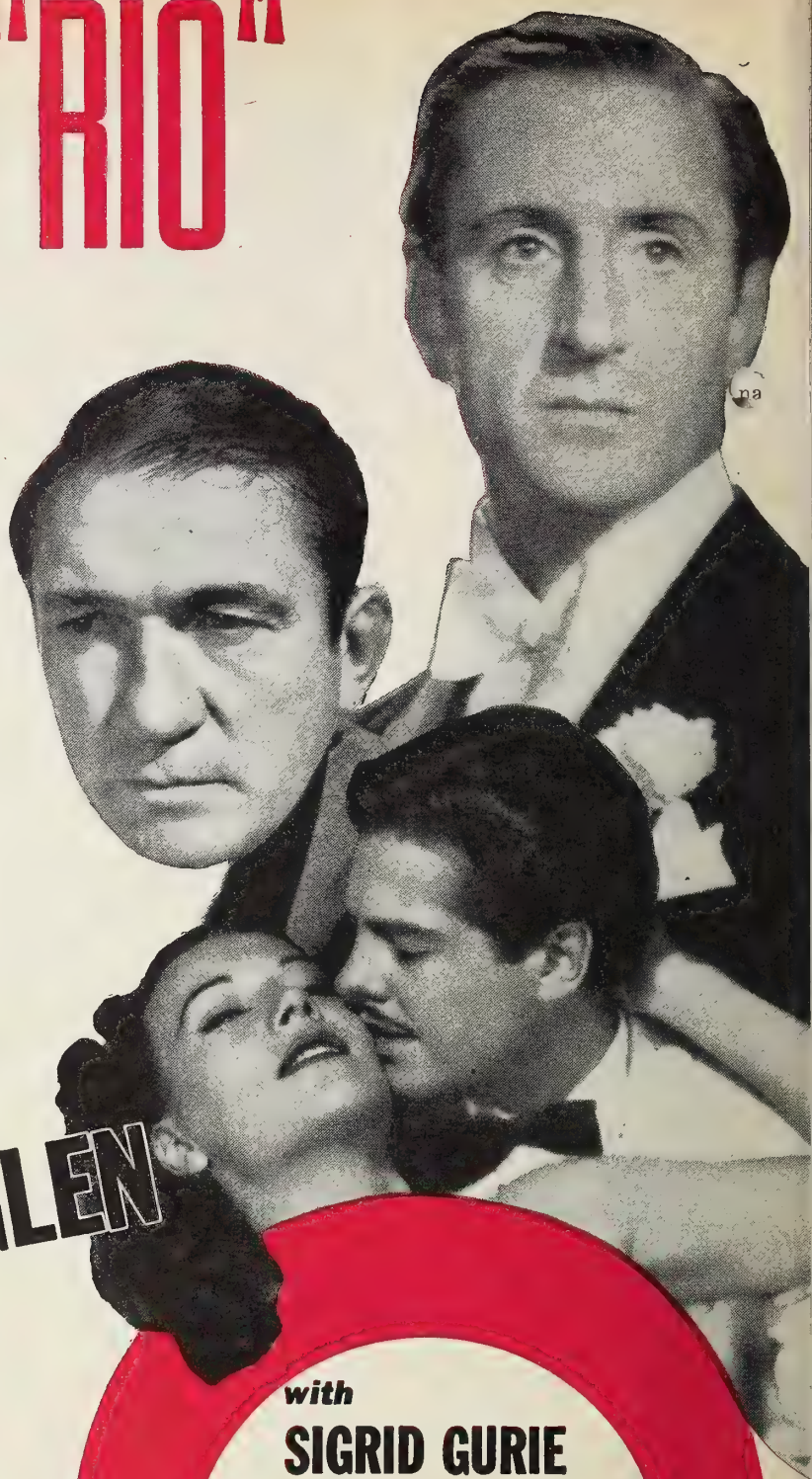
RIO

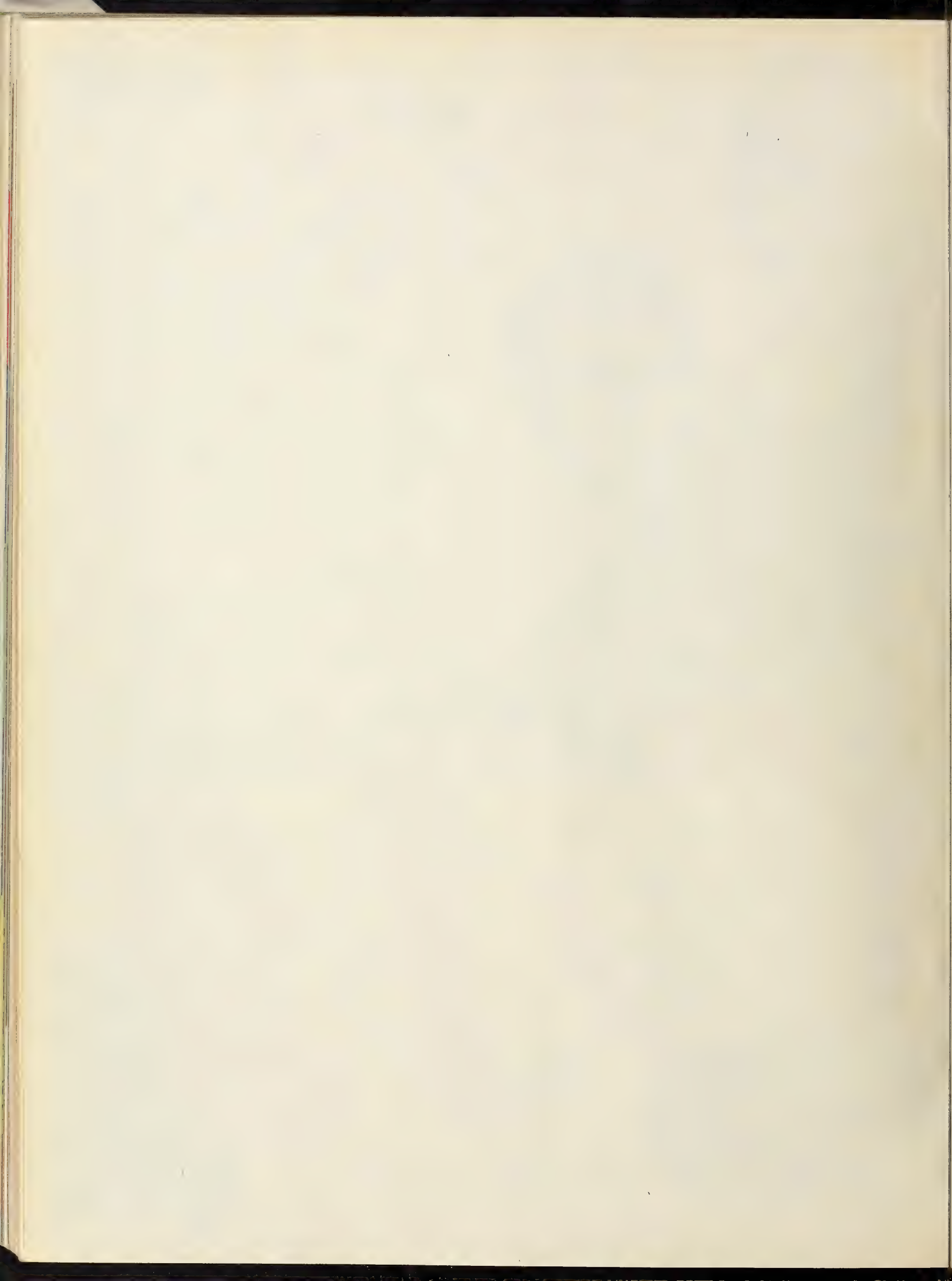
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ROBERT CUMMINGS
LEO CARRILLO

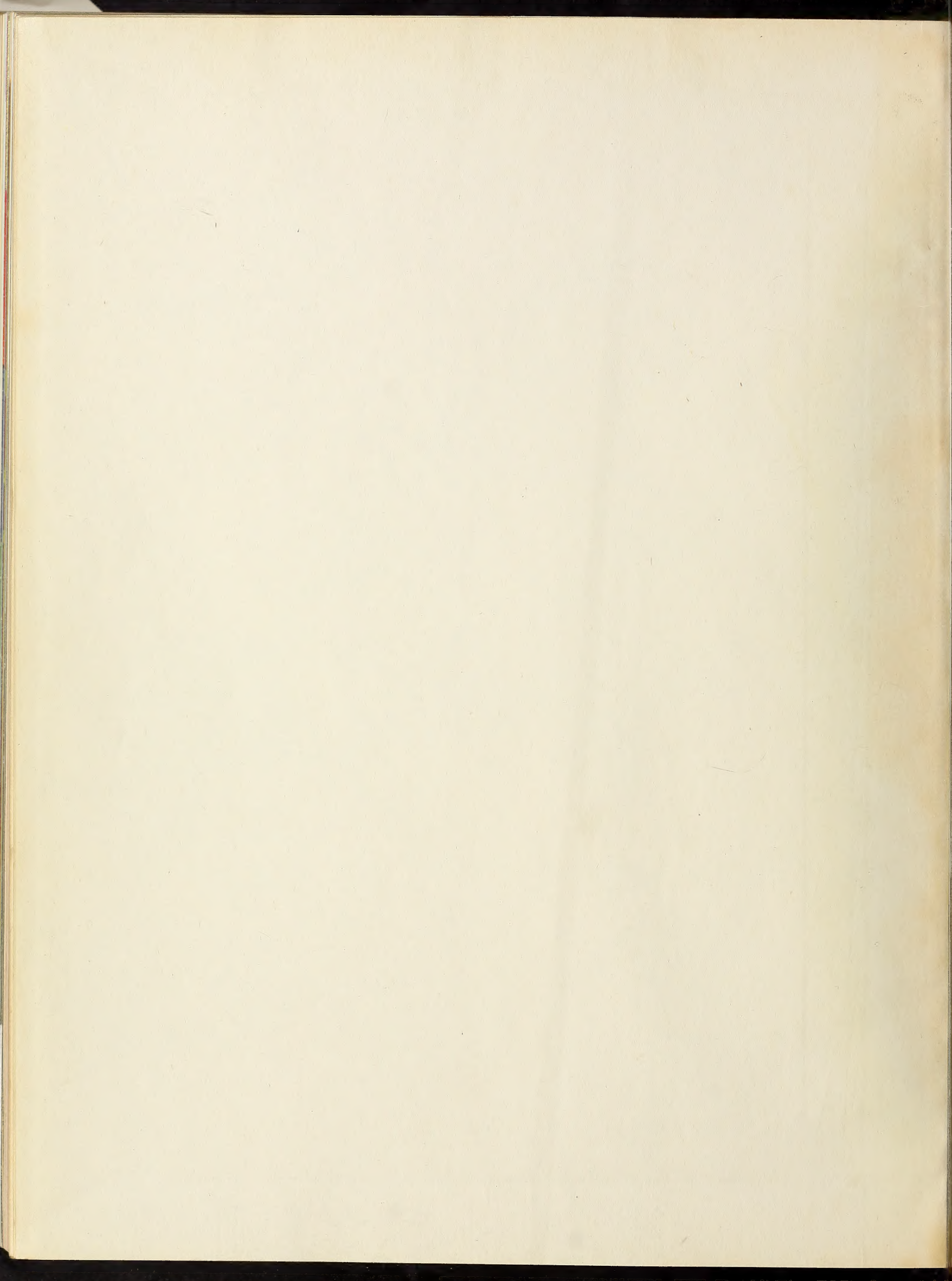
Billy Gilbert, Samuel S. Hinds, Irving
Pichel, Maurice Moscovich
Ferike Boros, Anne Gwynn

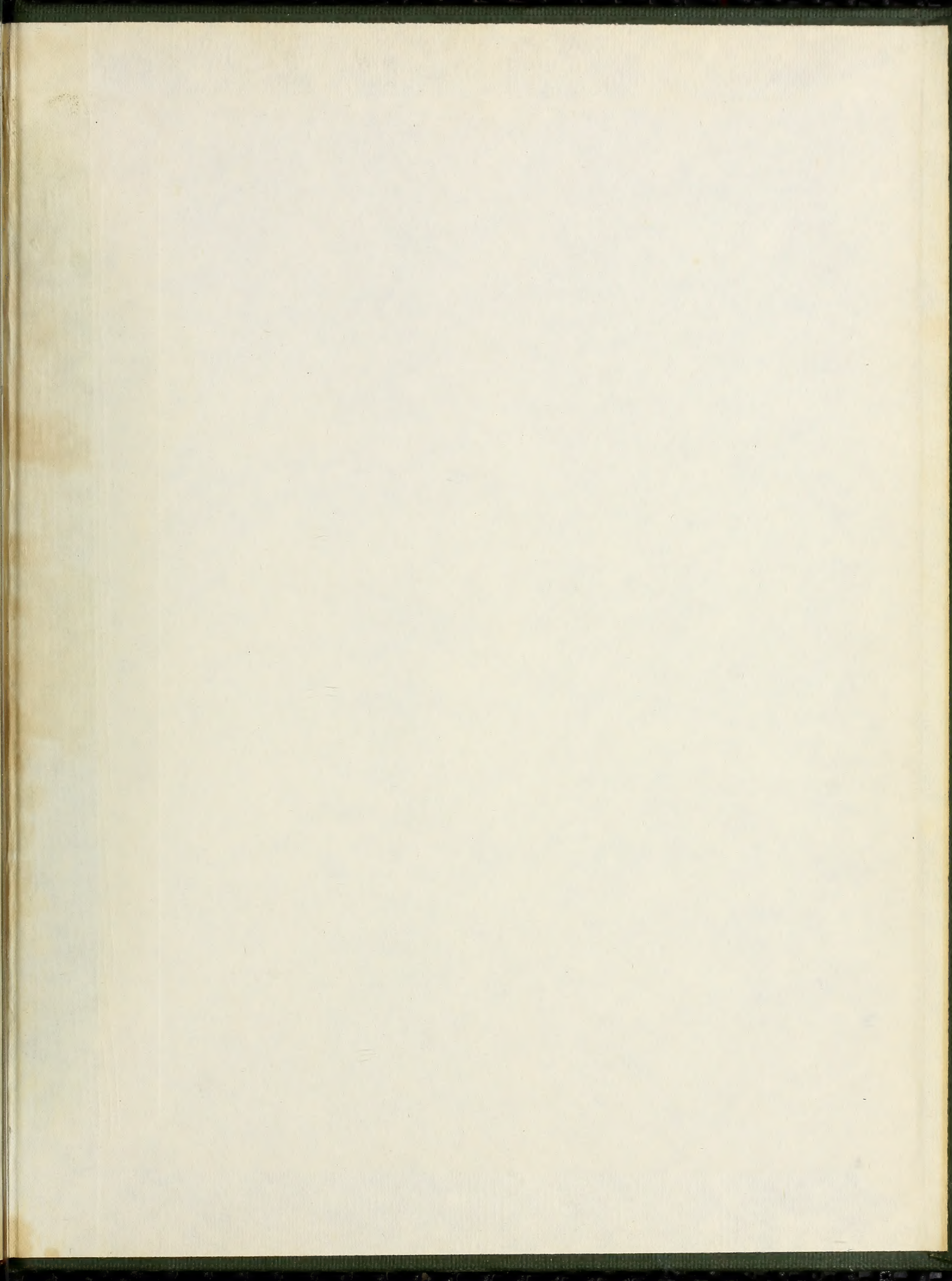
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